REPRESENTATION

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SYDNEY BUXTON, M.P.

"In every free country it is of the utmost importance that all opinions extensively entertained, all sentiments widely diffused, should be *stated* publicly before the nation."—BAGEHOT.

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BY

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REPRESENTATION.

CHAPTER I.

INTRODUCTORY.

Sir G. C. Lewis, in his work "On the Best Form of Government," tells us that neither his profound study of ancient history, nor his great experience in national affairs, had enabled him to arrive at a decided opinion on this important question.

"The controversy," he says, "is one consisting of a debtor and creditor account; the difficulty lies in striking the balance fairly. The weights in one scale may be less heavy than the weights in the other scale, but they are nevertheless weights. . . . The difficulty is to determine which of two sets of valid arguments preponderates."

The remarkable saying of the late Prince Consort that Representative Institutions are on their trial has been so often quoted, that I almost hesitate to do so again.

Yet it might well have seemed that government "of the people, for the people, and by the people," was so obviously wise and just, that it must almost of necessity

work well in any intelligent community. This, however, has certainly not been the general experience.

Why, then, has Democracy so often failed in the past? Why have we seen that in State after State power has oscillated from one extreme to the other—from the Tyrant to the Demagogue, and back again from the Demagogue to the Tyrant? The true reason, I believe, is to be found, not in any fault of the principle, but because the principle has not been correctly applied—because, in fact, no country has ever yet adopted a true system of Representation.

This has been well pointed out by a distinguished American statesman, Mr. Calhoun.

"The effect," he says, "of the ordinary systems of representation, is to place the control of the parties in the hands of their respective majorities; and the Government itself, virtually, under the control of the majority of the dominant party, for the time, instead of the majority of the whole community;—where the theory of this form of government vests it. Thus, in the very first stage of the process, the government becomes the government of a minority instead of a majority—a minority, usually, and under the most favourable circumstances, of not much more than one-fourth of the whole community."[1]

John Stuart Mill has stated the case still more forcibly.

"In a representative body," he says, "actually deliberating, the minority must of course be overruled; and in an equal democracy (since the opinions of the constituents, when they insist on them, determine those of the representative body) the majority of the people, through their representatives, will outvote and prevail over the minority and their representatives.

[1] "A Disquisition on Government," p. 41. See also Buckalew, "On Proportional Representation," p. 168.

"But does it follow that the minority should have no representatives at all? Because the majority ought to prevail over the minority, must the majority have all the votes, the minority none? Is it necessary that the minority should not even be heard? Nothing but habit and old association can reconcile any reasonable being to the needless injustice.

"In a really equal democracy every or any section would be represented, not disproportionately, but proportionately. A majority of the electors would always have a majority of the representatives; but a minority of the electors would always have a minority of the representatives. Man for man, they would be as fully represented as the majority. Unless they are, there is not equal government, but a government of inequality and privilege: one part of the people rule over the rest; there is a part whose fair and equal share of influence in the representation is withheld from them contrary to the principle of democracy, which professes equality as its very root and foundation." [1]

And again—

"The majority," he says, "would indeed outnumber the others, as much as the one class of electors outnumbers the other in the country. They would always outvote them, but they would speak and vote in their presence, and subject to their criticism. When any difference arose, they would have to meet the arguments of the instructed few by reasons at least apparently as cogent; and since they could not, as those do who are speaking to persons already unanimous, simply assume that they are in the right, it would occasionally happen to them to become convinced that they were in the wrong.

"Now, nothing is more certain than that the virtual blotting-out of the minority is no necessary or natural consequence of freedom; that, far from having any connection with democracy, it is diametrically opposed to the first principle of democracy—representation in proportion to numbers. It is an essential part of democracy that minorities should be adequately represented. No real democracy, nothing but a false show of democracy, is possible without it." [2]

[1] J. Stuart Mill, "Personal Representation," p. 4.
[2] Ibid. p. 11.

This evil is remedied by the system of Proportional, or, as it is sometimes called, "Minority" representation. The latter name is, however, misleading.

The supporters of proportional representation have no desire to give the minority a larger share of political power than that to which their numbers justly entitle them. On the contrary, as Lord Sherbrooke said during the debate of 1867 in the House of Commons, he did not "argue for any protection to the minority . . . but that between the members of the constituency there should be absolute equality; the majority should have nothing given to it because it was a majority."

Mr. Fawcett, again, in his last speech to his constituents at Hackney, truly pointed out that

> "Far from those who advocate proportional representation wishing to give to the minority the power which properly belongs to the majority, I think I shall have no difficulty in showing that one of the chief dangers which the advocates of proportional representation desire to guard against, is the minority obtaining a preponderance of representation which ought to belong to the majority."[1]

Nay, so far from this, a true system of proportional representation is—in the words of Mill—"not only the most complete application of the democratic principle that has yet been made, but its greatest safeguard."

In fact, although it may seem a paradox, it is nevertheless true that the systems of representation hitherto adopted, not merely through inequalities of area or re-

[1] Speech at Hackney, Oct., 1884.

strictions on the right of voting, but as a consequence necessarily ensuing from the system of voting hitherto adopted, have had the effect of placing power in the hands, not of the majority, but of a minority.

Let us first take a theoretical case. Suppose a country in which there are 1,200,000 Liberal voters and 1,000,000 Conservative. Now if the two parties are evenly distributed over the whole country, it is clear that, under the ordinary systems of Representation, the weaker party will be utterly swamped. To use a familiar illustration, wherever you drop a bucket into the sea you will bring up salt water. In such a case, therefore, the 1,000,000 will be practically unrepresented. But we must carry the matter a little further. In the House so elected, let the majority bring forward some Bill of an advanced character, and carry it by two to one—that is to say, by the votes of members representing 800,000 electors, and against those representing 400,000. It is clear that in such a case the minority in the House would have with them also the 1,000,000 in the country who were left unrepresented; so that in fact the measure would represent the wishes of only 800,000 electors, and would be opposed to those of 1,400,000. Thus the result of what we are told is a just system, and of "government by majorities," is, on the contrary, to enable a minority of 800,000 to override a majority of 1,400,000.

This is, I believe, the main reason why so-called representative institutions have often worked so badly.

We have a practical illustration of this in Switzerland.

The Swiss in combination with a wide suffrage have also what is called a *Referendum*; that is to say, Bills which have passed the Assembly are referred directly to the whole electorate. Now the Bills so referred are often rejected by large majorities. For instance, in one year alone—in 1882—a Bill on the reorganization of the Departments of Justice and Police, which had passed the Chamber, was rejected by 214,000 to 150,000; a Revised Penal Code by 202,050 to 159,000; a Bill on Patents by 190,000 to 174,000; and an Education Bill by 317,000 to 170,000.

Thus we see proved to demonstration in practice, that which in theory was perfectly obvious—that the majority of a majority may be, and often is, a minority. The evidence afforded by a country like Switzerland, where there is in actual operation an appeal to a general vote, makes it hardly possible for any one to shut his eyes to the clear evidence afforded.

The systems of representation which have been adopted in one country or another are numerous, and differ greatly from one another. I shall not attempt to give any history or description of them all, but will confine my remarks to three which are either most prevalent or most important, namely the system of "Single-membered Seats," of "*Scrutin de Liste*," and of "Proportional Representation." Under the first, each constituency returns a single member, and each elector has a single vote. Under *Scrutin de Liste* each constituency returns several members, and each elector has a number

of votes equal to the number of representatives, but cannot give more than one vote to any one candidate. Lastly, under Proportional Representation the constituency returns several members, but provisions are adopted which secure a fair representation of the various sections of the constituency. This object may be effected in several ways, of which the principal are (1) the Limited Vote, in which each elector has a number of votes somewhat less than the number of representatives; (2) the Free List, in which the elector votes for a list; (3) the Cumulative Vote, in which each elector has a number of votes equal to the number of representatives, but can distribute them as he chooses; and (4) the Single Transferable Vote, in which the elector has only one operative vote, but is permitted to indicate to which candidate he would wish it to be transferred if it be not required by the one to whom he first devotes it.

We will now consider in order these different systems of representation.

CHAPTER II.

SINGLE MEMBERED CONSTITUENCIES.

UNDER this system, which is that adopted in the new Redistribution Act, the country is divided into approximately equal constituencies, each returning one member, and of course each elector has one vote.

The first objection to the system of single member seats is that it involves the arbitrary division of natural communities. The result is to weaken local life and undermine the strength of local self-government. One great evil in our system of local government has always been the multiplicity of areas. We have municipal areas, areas for poor-law, for education, for water rates, and many other purposes, and the system of single membered seats multiplies them of course still further.

In support of the system of single seats, the high character of the representatives from Scotland and Wales has often been referred to. But Scotland and Wales are not cases in point.

The constituencies in those countries are either natural communities or several communities in association, while if the system of single seats is to be adopted generally,

and the constituencies are to be equalized, then it follows as a necessary consequence that large communities must be broken up into arbitrary and unnatural sections; and, as Mr. Morrison observed in the debate of 1872, "a district liable to entire change at the end of every ten years is a mere fortuitous concourse of atoms." [1]

Mr. Rathbone, who so ably represented Liverpool for many years, has justly said that "we were a country of historic greatness; we could not break from those old historical recollections without a feeling of pain, and, he was afraid, to a certain extent, a weakening of the dignity and power that those associations excited. He spoke from experience when he said that in the House of Commons votes and voices were not only counted but weighed, and for a man speaking as the representative of the greatest seaport in the world—speaking on great commercial and other questions that had found their solution in a great town like Liverpool—he felt that he was listened to in a way that was not due to any personal merits of his own, but due to the weight given to him by the great constituency he represented. He did not think when a man came forward as the representative of Castle Street, or Rodney Street, or Toxteth, or of Everton, that he would speak with the same authority as he would do if representing Liverpool; nor would he deserve so to speak."

Moreover, if the constituencies are to be maintained of equal size, the boundaries will require continual re-

[1] House of Commons, July 10, 1872.

arrangement. This not only involves an immense amount of unnecessary labour, but would in many cases also give rise to the suspicion of the unfair manipulation of political boundaries for party purposes.

The difference in the character of politics between England and America has long been a subject of comment. It may be difficult to say how far that contrast is due to the system of ward representation which exists in America, and which has now been introduced here; but that that system is one cause can hardly be doubted.

In 1869 the Senate of the United States appointed a committee to report on representative reform, and the committee adopted unanimously a very able report drawn up by Senator Buckalew, in which they emphatically condemned the system of single seats. For this they gave several reasons. They pointed out that political areas were often unfairly arranged with the view to party advantage, in the manner which has given the name of Governor Gerry an unenviable immortality.[1]

[1] The term "Gerrymander" dates from the year 1811, when Mr. Elbridge Gerry was governor of Massachusetts, and the Democratic, or, as it was then termed, the Republican party, obtained a temporary ascendency in the State. In order to secure themselves in the possession of the government, the party in power passed the famous law of Feb. 11, 1812, providing for a new division of the State into districts, so contrived that in as many districts as possible the Federalists should be outnumbered by their opponents. To effect this all natural and customary lines were disregarded, especially in some parts of the State, and particularly in the counties of Worcester and Essex. Maps were published showing the new boundaries, and a certain Mr. Gilbert Stuart, seeing in the office of the *Columbian Sentinel* an outline of Essex County, in

The committee went on to say: "There is hardly a State of our Union in which the Congressional districts are not gerrymandered in the interests of party."

which the outer district nearly encircled the rest of the county and presented a rude resemblance to an animal, added with his pencil a beak to the upper end and claws below, exclaiming, "There, that will do for a Salamander!" "Salamander!" said Mr. Russell, the editor. "I call it a Gerrymander!" The saying was repeated, and a rude cut of the figure published in the *Sentinel* and in the

Salem Gazette with the natural history of the monster duly set forth, served to fix the word in the political vocabulary of the country. So efficient, we are told, "was the law that at the elections of 1812, 50,163 Democratic voters elected twenty-nine senators against eleven elected by 55,766 Federalists; and Essex county, which, when voting as a single district, had sent five Federalists to the Senate, was now represented in that body by three Democrats and two Federalists. It was repealed in 1814, and the death and burial of the monster were celebrated in prose and verse throughout the country." (American "Law Review," pp. 28, 29).

Again, the same committee observed that the system of single seats "has not secured fair representation of political interests, while it has continued in existence in a somewhat mitigated form the evils of the plan of selection by general ticket. Besides the single district plan has called into existence inconveniences peculiar to itself, and which did not attach to the former plan. It excludes from Congress men of ability and merit, whose election was possible before, and thus exerts a baneful influence upon the constitution of the House. Two causes operate to this end; in the first place, no man who adheres to a minority in any particular district can be returned, and next, great rapidity of change is produced by fluctuation of party power in the district. Single districts will almost always be unfairly made. They will be formed in the interest of party." One great evil of the American system, as they pointed out, was that members were never secure in their seats; that, in fact, a large number in the House only sat for a single term. And of this they reported that the system of single seats was the chief cause. The single seat system had carried the idea of local representation to excess. The insecurity of their seats, they stated, prevented members from devoting themselves to public business with zeal and confidence. They were engaged in a perpetual struggle for existence. "In brief," the committee said, "his time and his efforts, instead of being expended for the public, must be expended on personal objects, if he desires to remain for any considerable time a representative of the people.

Undoubtedly, many of the best men of the country must be deterred from entering upon a Congressional career, continuance in which requires such sacrifices to an evil system, so much of unpleasant effort attended with uncertainty and probable mortification." And, in conclusion, they endorsed the opinion of Mr. John Stuart Mill, that the result of the single-member system, which Parliament has now adopted here, had in the United States brought things to such a pass, that "it is an admitted fact that in the American democracy, which is constructed on this faulty model, the highly cultivated members of the community, except such as are willing to sacrifice their own judgment and conscience to the behests of party, and become the servile echo of those who are their inferiors in knowledge, do not allow their names as candidates for Congress or the Legislatures, so certain it is they would be defeated."

Lord Spencer also has pointed out in the House of Lords [1] that "in America for many years past great complaints have been made that large numbers of persons, men of influence, of intellect, of wealth and position, refrained from taking any part in political life. Why was that? Because they felt that they were a hopeless minority, whose opinions were crushed by the overwhelming mass of the majority."

In France, again, where the system of single seats has also been tried, it has been found to work so badly that

[1] July 30, 1867.

the Chamber has recently decided to relinquish it by the enormous majority of 410 to 67.[1]

It is hardly necessary to point out how the system of single seats limits the freedom of the elector. The Liberal Committee put forward one candidate, the Conservative another, and all the elector can do is to choose between them. Perhaps the elector does not approve of either. This is no doubt one reason why, in large constituencies, we see so many abstentions. But, however little he may be disposed to support either candidate, he cannot bring forward a third without dividing his party, and generally ensuring the return of a political opponent.

Professor Ware, of Columbia College, New York, has forcibly pointed out that under this system, though the elector is "nominally free to vote for whom he pleases, the knowledge that his vote is thrown away unless it is given for the regular candidate binds him hand and foot."

Again, this system has a tendency to promote bribery. It often happens that in a constituency the two great parties are evenly balanced, and a few votes suffice to turn the scale. There may be, say, 2,500 Liberals, 2,500 Conservatives, and 250 persons with no political views. In the hands of these last, then, the whole representation rests. If the agent of either party purchases 100, or 50, nay, even 10 of them, the weight of the constituency is thrown into the scale of the party for which he acts.

Again, and for a similar reason, the system of single seats greatly increases the influence of small cliques.

[1] The *Times*, March 23, 1885.

Wherever the two great parties are evenly divided, a small section of 100, or even 50 electors, who may be sufficiently enthusiastic to subordinate all other considerations, say, to the question of vaccination, are in a position to put great pressure on a candidate. Of this they are perfectly aware. In one of my earlier political contests I had an amusing illustration. The supporters of a particular measure asked me to see them one afternoon at six. They came, however, an hour before the time. I told them I was glad to see them, but had not expected them so soon. The spokesman hesitated a little, and then said that I was quite right: they were coming at six, when they proposed to bring a reporter and press me on the subject; but that they were anxious for my success, and fearing that I might not know how weak they were in the constituency, they had come privately to put me on my guard, for fear I should say too much. I thanked them for their consideration, and they went away, returning again at six with a reporter. At this second interview they pressed me strongly, but I stood as firm as a rock. It is not always, however, that constituents are so thoughtful.

There has been much difference of opinion expressed as to whether the single seat system will secure a representation of minorities or not. This depends very much on the sense in which the term is used.

Those who support the single member system appear to be under the impression that if constituencies were

equalized the present mode of voting would—roughly, indeed, but surely—secure that the majority of electors would rule the country. But this is not so. A majority of electors in every constituency is by no means the same thing as a majority of all the electors. Suppose, for instance, a community of 60,000 electors is divided into three divisions, each containing 20,000, and that there are 32,000 Liberals and 28,000 Conservatives, the division might be, and very likely would be, as follows:—

	1st Division.	2nd Division.	3rd Division.
Liberals ...	15,000	9,000	8,000
Conservatives ...	5,000	11,000	12,000
	20,000	20,000	20,000

And thus, though in a minority, the Conservatives would actually return two members out of three. This is no hypothetical case.

By the constitution of 1841 Geneva was divided into four colleges. The Liberal electors were massed in one ward, which they carried by an immense majority; while the Conservatives, though in a minority, secured the other three; and the extreme dissatisfaction thus created greatly contributed to the revolution of 1846. In fact, as already stated, a majority of electors in each constituency is by no means the same thing as a majority in all the constituencies.

President Garfield pointed this out most forcibly. Speaking in Congress, in 1870, he said:—

"When I was first elected to Congress in the fall of 1862 the state of Ohio had a clear Republican majority of about 25,000, but

by the adjustment and distribution of political power in the State there were fourteen Democratic representatives upon this floor and only five Republicans.

"The State that cast nearly 25,000 Republican votes was represented in the proportion of five Republicans and fourteen Democrats!

"In the next Congress there was no great political change in the popular vote of Ohio—a change of only 20,000—but the result was that seventeen Republican members were sent here from Ohio and only two Democrats.

"We find that only so small a change as 20,000 changed their representatives in Congress from fourteen Democrats and five Republicans, to seventeen Republicans and two Democrats.

"Now no man, whatever his politics, can justly defend a system that may in theory, and frequently does in practice, produce such results as these."

But it is unnecessary to go to foreign countries for illustration of this fact. Our present system also throws some light on the question, for though the inequalities in size and the existence of double seats must be taken into consideration, still, so far as this point is concerned, the difference will not be so great but that our experience in the past may throw some light on the future. Now in my own county of Kent, the Liberals polled in the three divisions, at the last election, over 13,000 votes, against 16,000 given to their opponents, and yet the latter had all the six seats. Taking all the contested seats in the county, the Liberals polled 32,000 votes against 36,000, and yet the Conservatives carried 16 members and the Liberals only 2.

If we draw a line across England from Lincolnshire to Devonshire, there were in 1880, on the south-east side, 99 county seats. In many of these the Conservatives had no

contest, but the majority of the seats were fought, and the Liberals polled 96,000 votes against 116,000 given to the Tories. On this basis therefore the Liberals ought to have had, say, 40 seats and the Conservatives 59. As a matter of fact, however, they only secured 15 against 84. Moreover of this 15, five were minority seats; so that, but for the introduction of the principle of proportional representation, limited though it was, they would have only had 10 seats in the whole district, though fairly entitled to 40.

Out of 60 members from Scotland and 28 from Wales, only 9 and 2 respectively are Conservatives.

The Roman Catholics are a very large and respectable portion of the nation; yet in the whole of England and Scotland they have never, I believe, for years past secured more than a single seat at any one time.

To tell the Liberals of Kent and Surrey that they are represented by the Liberal members for Scotland and Wales is just the old and exploded argument which used to maintain that the people of Birmingham and Manchester were virtually represented by the members for some other borough. The Liberals of Kent are glad, no doubt, that Scotland and Wales send such admirable representatives: it is some consolation, but it is not the same thing to them as if they were directly represented. Perhaps the one question about which Kentish farmers care most is the subject of extraordinary tithes. Mr. Gladstone will sympathize with them, because he has so powerfully advocated the cultivation of vegetables and the growth of fruit. But the farmers of

Kent cannot expect the Liberal members from Scotland to help them as regards extraordinary tithes. It is possible that they do not even know what extraordinary tithes are.

Moreover, the geographical differentiation of political views tends to become more and more accentuated, and might, I think, constitute a real danger. At present Scotland is overpoweringly Liberal, while the south-eastern counties of England, with scarcely an exception, are represented by members sitting on the opposite side of the House. It is but a small consolation to the unrepresented Liberals of Kent to be told that the Conservatives of Scotland share the same grievance, and are as badly off as they are.

But further than this, it will be a great misfortune to the country if one part becomes and continues overwhelmingly Liberal, and another Conservative—if their distinctive differences become questions of geography and locality rather than of opinion. The different portions of our Empire are not yet so closely fused that we can afford to despise this danger. In my own county of Kent we look on the shires as distinctly lower and less civilized than we are.

Look, again, at the case of Ireland. I am not now speaking of how far the present representation of Ireland represents the true sentiments of the people, but how far it reflects the views of the actual voters. At the general election of 1880, 86 seats were contested. Of these the Home-rulers secured 52, the Liberal and

Conservatives together only 34. Yet the Home-rule electors were only 48,000, while the Liberals and Conservatives together were no less than 105,000. The numbers then stand as follows :—

	Voters.	Members
Liberals and Conservatives	105,000	 34
Home-rulers	48,000	 52

I may add that if the uncontested seats were estimated for, the results would remain substantially the same.

At any time, and in any country, there would then, it seems to me, be conclusive arguments against the single member system, but the present condition of Ireland renders the question in our case one not only important but of vital consequence.

It is estimated that in Ireland more than one-third of the population are moderate, loyal, and desirous of maintaining the integrity of the Empire. But we are told, on high authority, that under the new Redistribution Act the Home-rulers will secure 90 seats out of 100, leaving only a dozen to the Liberals and Conservatives together, whereas it is clear that under any just system of representation they ought to have over 30. Moreover, out of Ulster it is probable that scarcely a single Liberal or Conservative member will be returned. The result of this system, then, will be that Ireland will be entirely misrepresented, and that we shall have gratuitously created serious and unnecessary difficulties for ourselves.

To adopt, indeed, a system of representation by which we shall exclude from the representation of Ireland one-

third of the electors, and give almost the whole power to two-thirds, would, under any circumstances, be unjust; but to do so when the one-third comprise those who are moderate and loyal, while the two-thirds are led by men not only opposed to the Union, but in many cases animated by a bitter and extraordinary hatred of this country, seems to be an act of political madness.

From this point of view the recent history of America has peculiar significance. The committee of the United States Senate, to which I have already referred, were of opinion, that if America had adopted proportional representation, instead of single seats, their disastrous civil war might have been prevented.

"The absence of proportional representation," they say, "in the States of the South when rebellion was plotted, and when open steps were taken to break the Union, was unfortunate, for it would have held the Union men of those States together, and would have given them voice in the electoral colleges and in Congress. But they were fearfully overborne by the plurality rule of election, and were swept forward by the course of events into impotency or open hostility to our cause. By that rule they were deprived of representation in Congress. By that rule they were shut out of the electoral colleges. Dispersed, unorganized, unrepresented, without due voice and power, they could interpose no effectual resistance to secession and civil war.

"Their leaders were struck down at unjust elections and could not speak for them, or act for them in their own States, or at the capital of the nation. By facts well known to us we are assured that the leaders of revolt, with much difficulty, carried their States with them. Even in Georgia, the empire State of the South, the scale was almost balanced for a time between patriotism and dishonour; and in most of those States it required all the machinery and influence of a vicious electoral system to organize the war against us and hold those communities compactly as our foes."

England is now in a condition not very unlike that of the United States before their great civil war. We may hope that the single member system will not here have a result so disastrous. At the same time, the supporters of Proportional Representation have done their best to warn their countrymen, and have been supported by almost all those Irishmen who wish to maintain the union between the two countries. In a minority, I fear, they are; but why deprive them even of that which is their right? To adopt a system which will silence friends and give opponents more than on any just system they could claim, seems to be most unwise. While, then, a just and equitable system of proportional representation would be important in any community, in our own case, and under existing circumstances, it is almost vital to the good government and even to the integrity of the Empire.

Let me, as one more illustration, take the general results of the 1874 general election in Great Britain.

Mr. Roberts, the able central agent of the Liberal party, has stated that, in his judgment, the voting power of the Liberals in 1874 was 200,000 more than that of the Conservatives, although the Conservatives obtained a large majority. Mr. Lefevre questions this,—the divergence of opinion between them arising from their estimating differently the voting power of the two great parties in the uncontested constituencies; but, with all respect to Mr. Lefevre's great abilities, I suppose no one on such a question is a higher authority than Mr. Roberts.

Still, whatever the voting power in the uncontested seats may have been, as regards those which were contested, there can be no question; and I am ready, for the purpose of argument, to accept the figures given by Mr. Lefevre.[1] He makes the Conservative vote 610,000, and the Liberal 640,000, while on the other hand the Conservatives secured 198 seats, and the Liberals only 168.

Mr. Lefevre admits that the election of 1874 resulted in the return of 312 Conservative Members and 230 Liberals—a majority of 82, or, according to his calculation, 72 in excess of what should have been their majority in proportion to the votes given. "In 1880," he says, "the polling strength of the Conservative party was 1,022,000, while that of the Liberals was 1,119,000—a majority of 177,000, or about 7½ per cent. of the aggregate votes. This majority on the proportional system would have given 290 Liberal Members and 252 Tory Members—a majority of 38. The actual return was 335 Liberals and 208 Tory Members—a majority of 127, or 89 in excess of the true proportion."

Thus, then, though Mr. Lefevre upholds this system, he finds himself compelled to admit that it gave the Liberal party 72 seats too few in 1874, and 89 too many in 1880—a difference between two consecutive elections

[1] Mr. Frisby had previously called attention to the same facts, but I prefer to take Mr. Lefevre's figures (which do not substantially differ), as being those of an opponent.

and in the same constituencies of 161 seats out of 658![1] Surely it cannot be wise to leave so much to the chapter of accidents.

This difference, it may be observed, had nothing to do with the Liberal wave of opinion which passed over the country in 1880. That affected of course the number of votes, but I am now speaking only of the effect of the votes as given. Nor was it due to the small boroughs. Sir Henry James, indeed, speaking lately at Bury, said—

"If you have both very large and very small constituencies, and the very small constituencies by very small majorities return a large number of Tories, and if, on the other hand, Liberal members are returned by great majorities in the large constituencies, of course you may obtain the result that was arrived at in 1874—that is, of a majority of Tory members being returned by a minority of the aggregate electors."

But what are the facts? If we take the small boroughs which have been disfranchised, or at any rate lost one member under the new Act, we shall find that they were divided nearly equally between Liberals and Conservatives. This explanation therefore entirely fails.

The truth is that such inconsistencies are inherent in the single member system, which renders the result of a general election uncertain, to a large extent a matter of chance, and leads to violent fluctuations in the balance of political power.

In fact, it is clear that under mere majority voting, the minority may at one election secure far more than their

[1] I ought, however, in candour to observe that I do not myself make the difference quite so great.

due proportion of political power, or even, as in 1874, obtain a majority of the representatives, while at another, perhaps the very next, they may be almost extinguished.

Before quitting this part of the subject, I ought to allude to another consideration, which renders single seats specially unfavourable to the Liberal party. That party always comprises great differences of opinion. There are many ways of moving, but only one of standing still. In most foreign assemblies this objection is met by the system of second elections; that is to say, if no candidate secures an absolute majority of the votes given, a second ballot is held. Without such a provision, it would very often happen that, owing to some division in their ranks, or some miscalculation of their strength, the majority would fail to secure the candidate. In the recent German elections, out of 397 constituencies it was found necessary to have a second election in no less than 97, or in round numbers 25 per cent.

Under the system of single member seats the electors are divided by Commissioners into districts, which in many cases must necessarily be more or less arbitrary: under any system of Proportional Representation, on the contrary, they would be able to arrange themselves according to their own sympathies and opinions. This would add greatly to the genuine interest felt in elections. Mr. Courtney, to whom all those who are interested in this subject are so deeply indebted, pointed this out very clearly in his speech at Manchester (Dec. 16, 1884).

"You would," he said, "have as a consequence a revival of life and spirit where there is now listlessness, and intelligent interest in the national conduct where there is now apathy or repugnance."

It is indeed admitted on all hands that under the old system the country has not been satisfactorily represented, but it is generally supposed that this has been due to the unequal size of constituencies, and to the restriction on the right of voting in counties. Let us then consider what the effect would be in a country with a wide franchise, single seats, and equal, or approximately equal, electoral districts.

The effect of the single member system will depend very much on whether the electors belonging to the great parties in the State are uniformly distributed or not. In the former case it is obvious, as I have already pointed out (*ante*, p. 5), that the minority will be everywhere excluded, and the majority will secure all the seats.

But now, let us suppose that the electors belonging to the two great parties are not uniformly distributed throughout the constituencies; but that those of one party are more or less concentrated in particular districts—the Liberals, for instance, in great cities. In this case it is obvious that their electoral strength would be to a great extent wasted.

Apart, then, from any other collateral, though important, disadvantages—such as the temptation to unfairness in the determination of boundaries, the necessity for con-

tinual changes in the electoral areas, the separation of the parliamentary area from the municipal, the limitation in the choice of the elector, the increased efforts which the representative must make in order to retain his seat, the greater temptation to bribery, the consequent tendency of eminent men to withdraw from political life, &c.—the system of single seats will but seldom give a fair representation of the electorate. If the minority is small, as for instance in Scotland and Wales, say one-third or one-quarter of the whole, it will be almost annihilated. If the minority is large, the two great parties being nearly equal, then the result will depend on the manner in which the voters are distributed; if the electors belonging to the two parties are evenly diffused, then, as in the preceding case, the minority will be almost obliterated; while, on the other hand, if the electors of the majority are much concentrated, as it is likely the Liberals may be in large cities, then the minority may obtain more than their share of power, or even secure a majority of the representatives.

CHAPTER III

SCRUTIN DE LISTE.

We now turn to the system known as "*Scrutin de Liste*," or "General Ticket," under which each constituency returns several members, and every elector has a number of votes equal to the number of members to be returned, but can only give one vote to any one candidate.

Assume a constituency which returns seven members. The two great parties may be very evenly balanced, but whichever had the majority, however small, would return the whole of the seven representatives. If Liverpool, for instance, contained 31,000 Conservative electors and 30,000 Liberals, under this system the 31,000 electors would have seven members while the 30,000 would have none at all.

But then it is often said, that any other system would, under such circumstances, reduce a great city to the level of a town returning a single member. But that is only because parties are evenly balanced there. If one-third of the voters are Conservatives, why should they not have one-third of the members? Why should two-thirds of the constituency monopolize the whole of the

representatives? Liverpool will have nine members because it has 63,000 electors, of whom perhaps 30,000 may be Liberals, 30,000 Conservatives, 2000 Irish-Home-rulers, and 1000 without distinctive political opinions; and I do not understand how any one can really wish that these last 3000 should practically return all the members. We know that they often vote for the Conservatives, and the result would be that 30,000 Liberals would be unrepresented. But if it were not for the 30,000 Liberals, Liverpool would have had only four members. It comes, therefore, to this: that because there are 30,000 Liberals in Liverpool, the Conservatives are given twice as many members as they would otherwise have had. If it is said that any proportional system is objectionable because it might reduce the voting power of Liverpool on balance to a single vote, then we may ask, How far is this principle to be carried? In Lancashire, at the last general election, the Conservatives polled 38,000 votes, the Liberals 36,000, and the members are four to four. This seems as it should be. The votes are nearly equal, and the members are equal. But can it be said that Lancashire is unrepresented? Would any one propose that the 36,000 Conservative electors should have returned the whole eight members, and the 34,000 Liberals none at all? Yet this is what would come about under the system of *Scrutin de Liste.*

A striking instance of the results given by this system was afforded by the recent elections in Belgium. The Chamber is elected in sections, and in June, 1874,

fifty-two seats were contested with the following result :—

RESULTS OF THE BELGIAN ELECTIONS OF JUNE, 1884.

ANTI-MINISTERIALISTS.			MINISTERIALISTS.	
	Voters.	Elected.	Voters.	Elected.
Bruxelles	9311	16	7924	0
Louvain	2340	5	1241	0
Nivelles	1655	4	1568	0
Bruges	1658	3	1024	0
Ostende	572	1	556	0
Ypres	1182	3	690	0
Arlon	240	0	334	1
Harche	282	1	229	0
Neufchâteau	331	1	286	0
Virtors	293	0	300	1
Dinant	818	2	502	0
Namur	1825	4	1522	0
Philippeville	605	2	536	0
Anvers	6818	8	5405	0
Total	27930	50	22117	2

According to their just proportion, the Anti-Ministerialists ought to have carried 30 seats out of the 52, but they actually secured all but two.

This election took place in June. In the following month the same constituencies had to elect representatives in the Senate. Warned by their recent defeat, the Ministerialists exerted themselves to the utmost, and polled 6000 more votes. This increase, small as it was, turned the scale, and this time they secured 19 seats out of 31.

RESULTS OF THE BELGIAN ELECTIONS OF JULY, 1884.

ANTI-MINISTERIALISTS.			MINISTERIALISTS.	
	Voters.	Members.	Voters.	Elected.
Bruxelles	8969	0	9517	8
Nivelles	1552	0	1650	2
Gand	3926	4	3547	0
Ostende	569	1	548	0
Soignies	1365	2	1246	0
Charleroi	2728	0	2855	3
Ath	895	1	875	0
Liège	2477	0	3800	4
Huy	596	0	658	1
Verviers	1803	2	1620	0
Namur	1746	2	1558	0
Arlon	560	0	593	1
Total	27186	12	28467	19

Thus the city of Brussels in June sent all its 16 members to oppose the Government in the Chamber; while in July it sent its 8 Senators to support them; so that it is now represented by 16 Conservatives in the Chamber and 8 Liberals in the Senate.

Nor are results of this character at all unprecedented; for instance, in the elections of June, 1882, 29,142 Liberals secured 39 seats, while 28,052 Conservatives only carried 11.

The journal published by the Electoral Reform Association of Belgium, gives a striking illustration of the results which such a system involves. In the 1882 elections the Liberals carried their election in the city of Ghent by a majority of 40 votes. Now Ghent returns 8 members to the Chamber, out of 138. If, therefore, 21

electors had gone over to the other side, Ghent would have returned 8 Roman Catholics, counting 16 on a division. Thus the change of 21 voters, presumably not the most honest or intelligent, would have affected the balance of power in the Chamber to the extent of 16 votes, would have given a Roman Catholic instead of a Liberal majority in the Chamber, and have led to a change of government.

Scrutin de Liste, then, gives an unfair preponderance to the majority; while where parties are at all evenly balanced, the transfer of a few votes from one side to the other may entirely alter the balance of power.

CHAPTER IV.

PROPORTIONAL REPRESENTATION.

THE SINGLE TRANSFERABLE VOTE.

In the previous chapters I have endeavoured to show that neither the system of Single Seats, nor that of *Scrutin de Liste*, gives a fair and just representation; it now remains to consider the various plans of Proportional Representation which have been proposed with the view of effecting this important object. Of these the four principal are the Single Transferable Vote, the Cumulative Vote, the Free List or Ticket, and the Limited Vote. Under all these systems natural communities, no matter how many representatives they may return, are left undivided.

Under the system of the "Single Transferable Vote" each elector has a single vote. To avoid, however, the loss of voting power, which might otherwise ensue, it is provided that each elector, though he has only one operative vote, may indicate on the ballot paper other candidates in the order of his preference, to whom he would wish his vote to be transferred in case it is not required by the candidate of his choice. This ingenious plan was devised independently, by a Danish statesman

and mathematician, Mr. Andrae, in 1855, and by Mr. Hare in 1857.[1]

It was adopted by Denmark in 1855, and when the Constitution was re-modelled in 1867 it was adopted for the present "Landsthing."[2] In that year, there was considerable discussion with reference to certain minor details, but the main principle was generally accepted, and is still in operation. The system, therefore, has stood the test of thirty years' experience.

The practical operation is indeed very simple. Suppose a constituency of 24,000 voters returning three members. Each elector would have one vote. But if that were all it would be evident that under some circumstances the minority might secure two members out of the three. For instance, if there were 14,000 Liberals and 10,000 Conservatives and each party had two candidates, then it might very well happen that if one of the two Liberal candidates was pre-eminently able or popular, he might receive 10,000 votes out of the 14,000, leaving only 4000 for the second Liberal candidate; so that if the Conservatives divided their votes at all equally between their two candidates, giving 5000 to each, they would, though in the minority, secure two seats out of the three. To avoid this, it is proposed that though each elector should only have one *operative* vote, yet the

[1] "The Machinery of Representation," 1857. See also "The Election of Representatives," 1859, by the same author. Mr. Hare, however, proposed to treat the whole county as one constituency.

[2] See Appendix II.

vote should be transferable, that is to say, the elector should be permitted to indicate what he would wish to be done with it in case it is not required by the candidate of his choice.[1] In the case I have assumed, 10,000 Liberals would have voted for candidate A by placing 1 against his name, but they would be permitted to indicate the order of their preference by placing 2, 3, and so on, against the name of the other candidates. In this instance it is obvious that any candidate receiving 6001 votes would be sure of election, because there were supposed to be 24,000 electors and three representatives; and as three times 6001 make 18,003, which being deducted from 24,000 leaves only 5997, any candidate having 6001 votes must be elected. Consequently of the 10,000 votes given to the first Liberal candidate he would only require 6001, leaving 3999 to be transferred;[2] and of these, according to all electioneering experience, the vast majority would go to the second Liberal candidate. Consequently in this case the two Liberal candidates would be elected, together with whichever of the two Conservative candidates had received the largest number of votes. That is simple enough. But even if there were three or more Liberal candidates there would be no difficulty in transferring the votes.

[1] The number of votes sufficient to secure election is called the "Quota."

[2] It has been proposed by Mr. Baily that each candidate should be allowed to distribute his surplus votes as he pleases. This of course has the merit of simplicity, but appears to deprive the elector of a right which properly belongs to him.

The Committee of the Proportional Representation has drawn up the following leaflet to illustrate the system :—

"Suppose there are 3 members to be elected for a constituency, and 5 candidates stand—2 Conservatives (Sir Stafford Northcote and Sir R. Cross), 2 Liberals (Mr. Gladstone and Lord Hartington), and 1 Independent.

The voting paper would be printed as now—

CROSS - - - - -	
GLADSTONE - - -	
HARTINGTON - - -	
INDEPENDENT - - -	
NORTHCOTE - - -	

What would the Voter have to do?

He is entitled to one vote only, but he can pass it on if his first favourite does not want it.

He would put 1 against the first man of his choice, 2 against the next, and 3 against the third, if he wanted to go so far.

The paper would, in fact, be filled up something as below.

Most Liberals would probably vote: Gladstone (1) and Hartington (2), and their third votes might be divided between Northcote and the Independent, so that their papers might be marked as follows—

CROSS - - - - -	—
GLADSTONE - - -	1
HARTINGTON - - -	2
INDEPENDENT - - -	—
NORTHCOTE - - -	—

(In most papers the Independent would be marked (3) but in some, possibly, Northcote.)

Most Conservatives would probably vote: Northcote (1), and Cross (2), so that their papers might be—

CROSS - - - - -	2
GLADSTONE - - -	—
HARTINGTON - - -	—
INDEPENDENT - - -	—
NORTHCOTE - - - -	1

and their third votes might be divided between Hartington and the Independent.

A Non-partisan might vote—

CROSS - - - - -	—
GLADSTONE - - -	2
HARTINGTON - - -	—
INDEPENDENT - - -	1
NORTHCOTE - - -	3

Here the Voter's work is finished.

Can any one who does not understand this be called a capable citizen?

* * * * * *

What would the Returning Officer and his clerks have to do?

Suppose 12,000 voted. Everybody will see that 4000 votes would *certainly* suffice to return a candidate; but a little reflection will show that less than this number would be enough. If the 12,000 is divided into four lots of 3000 each, being one more than the number of seats, any one who got more than 3000 must get it by reducing another lot under 3000, and therefore any one who gets 3001 must be elected.

The Returning Officer must mix and then distribute the voting papers, placing in different heaps those in which the different candidates are numbered 1.

Suppose the result is as follows on the First Count—

CROSS - - - -	—	1500	This imaginary case is one where the Liberals predominate.
GLADSTONE - - -	—	5000	
HARTINGTON - -	—	2000	
INDEPENDENT - -	—	500	
NORTHCOTE - - -	—	3000	

We have seen that 3001 is enough to elect; therefore, as Gladstone only requires 3001, he has 1999 more than he wants, which would be transferred to Hartington, he being second on the Liberal voting papers.

Second Count—

CROSS - - - - -	—	1500
GLADSTONE - - -	—	3001
HARTINGTON - - -	2000 +1999	=3999
INDEPENDENT - - -	—	500
NORTHCOTE - - -	—	3000

Lord Hartington now has 998 superfluous votes, and if any of these passed to Northcote they would bring him at once above the quota, while, even if all passed to the Independent, Northcote would still be elected.

Thus, Gladstone, Hartington, and Northcote would be elected."

In the various meetings which the Proportional Representation Society has recently held, it has been found that an actual illustrative election gives a clearer idea of

the system than any description can convey. I will therefore give an additional instance founded on one of the Society's meetings. Suppose, for instance, that we are holding one of these illustrative elections. The constituency is to return three members, and there are five candidates; Mr. Gladstone and Lord Hartington are the two Liberals; Sir Stafford Northcote and Sir R. A. Cross the two Conservatives; and Sir W. Lawson is supposed to stand as an Independent. I take the number of votes recorded at one of our meetings, namely 1400, though of course in real political life a constituency would not return three members unless it contained a much larger number of electors.

If 1400 persons vote, and there are three members to be elected, it is obvious that 351 votes would be sufficient to secure election, because 351 multiplied by 3 is 1053, which deducted from 1400, would leave 347; so that if three candidates each received 351 votes, no one else could secure as many.

First Count—

Cross	143
Gladstone	632
Hartington	134
Lawson	155
Northcote	336
	1400

At the first count, therefore, Mr. Gladstone is elected with 281 votes to spare. These then are distributed according to the names marked "2" on the paper, and the result is, as may naturally be expected, that while a

few of the second votes pass to Sir Stafford Northcote, Sir R. A. Cross, and to Sir W. Lawson, the great majority go to Lord Hartington. The second count then results as follows:—

	Original Votes.	Second Votes transferred from Mr. Gladstone.	Total.
Cross	143	2	145
Gladstone	—	—	351
Hartington	134	237	371
Lawson	155	27	182
Northcote	336	2	338
			1387

The result of the second count then is that Lord Hartington is elected with 20 votes to spare, which are again distributed, with the result that at the third count the numbers are—

Cross	146
Gladstone	351
Hartington	351
Lawson	196
Northcote	340
	1384

No third candidate having reached the necessary number of votes, those given to the candidate lowest on the poll, namely Sir R. Cross, are then distributed in the same way, and of these 14 are marked for Sir W. Lawson, and 120 for Sir Stafford Northcote, so that the final numbers stand—

Gladstone	357
Hartington	351
Lawson	210
Northcote	460

Mr. Gladstone, Lord Hartington, and Sir S. Northcote are consequently elected, a result which fairly represents the views of the electors. Out of 1400 electors there were 766 Liberals, 155 Independents, and 479 Conservatives, so that 2 Liberals and 1 Conservative representative would be the just proportion.

But if the same constituency had had to elect under *Scrutin de Liste*, they would have returned three Liberals, which would have been manifestly unjust.

If the election had been under the cumulative system there would probably have been elected one Conservative, one Liberal, and one Independent, which would have also been unjust.

On the other hand, if the constituency had been divided into three single seats, the result would have entirely depended on the distribution of the voters of the different parties. If they chanced to be distributed equally, then all three representatives would have been Liberals, because the division would have been as follows—

	Constituency I.	Constituency II.	Constituency III.	Total.
Liberal.....	255	255	256	766
Conservative ...	160	160	159	479
Independent ...	52	52	51	155
	467	467	466	1400

If, on the contrary, the Liberals were concentrated, the result might have been that the Conservatives secured two seats out of the three, as follows—

	Constituency I.	Constituency II.	Constituency III.	Total.
Liberal.....	390	200	176	766
Conservative ...	60	210	209	479
Independent ...	17	57	81	155
	467	467	466	1400

So that under the single member system the result would have entirely depended on the chance how the votes were distributed.

The single transferable vote, then, would, most certainly, and most fairly, represent the views of the electors.

I subjoin the rules which are suggested in order to carry out this system.

RULES FOR THE SINGLE TRANSFERABLE VOTE.

1. Each voter shall have one vote, but may vote in the alternative for as many of the candidates as he pleases, by writing the figures 1, 2, 3, &c., opposite the names of those candidates in the order of his preference.

COUNTING VOTES.

2. The ballot papers having been all mixed, shall be drawn out in succession, and stamped with numbers so that no two shall bear the same number.

3. The number obtained by dividing the whole number of good ballot papers tendered at the election, by the number of members to be elected, plus one, and increasing the quotient (or, where this is fractional, the integral part of the quotient) by one, shall be called the Quota.

4. Every candidate who has a number of first votes equal to, or greater than, the quota, shall be declared elected, and so many of the ballot papers containing those votes as shall be equal in number to the quota (being those stamped with the lowest numerals), shall be

set aside as of no further use. On all other ballot papers the name of the elected candidate shall be deemed to be cancelled, with the effect of raising by so much in the order of preference all votes given to other candidates after him. This process shall be repeated until no candidate has more than a quota of first votes, or votes deemed first.

5. Then the candidate or candidates having the fewest first votes, or votes deemed first, shall be declared not to be elected, with the effect of raising by so much in the order of preference all votes given to candidates after him or them; and Rule 4 shall be again applied, if possible.

6. When, by successive applications of Rules 4 and 5, the number of candidates is reduced to the number of members remaining to be elected, the remaining candidates shall be declared elected.

CHAPTER V.

PROPORTIONAL REPRESENTATION.

REPLY TO THE PRINCIPAL OBJECTIONS WHICH HAVE BEEN URGED AGAINST THE SINGLE TRANSFERABLE VOTE.

WE will now proceed to discuss the various objections which have been raised to the Single Transferable Vote.

The first objection urged, is that the system is too difficult. To this it is surely a sufficient reply that not only have illustrative elections been held in many places, but that actually during these public meetings many thousands of votes have been recorded. The spoilt papers were remarkably few, and the consequence has been that resolutions in favour of the system have been passed by overwhelming majorities.[1] During the winter of 1884 large public meetings were held at Liverpool, Manchester, Glasgow, Nottingham, Leicester, Oxford, Norwich, Newcastle, Greenwich, Westminster, the Tower

[1] Moreover, while Cumulative Voting is more difficult for the voter, the number of spoilt papers even under that system is very small. For instance, at a recent School Board election in Finsbury, out of 14,000 votes 180 only were spoilt; in Greenwich, 178 out of 17,000.

Hamlets, Lambeth, Islington, St. Pancras, and other places; and Greenwich is the only one which expressed a preference for the system of single seats.

The next question which is frequently raised by objectors, is, how are the votes selected which are to be transferred? Take, for instance, one of the illustrations given in the last chapter, in which Mr. Gladstone received 10,000 votes and requires only 6000, leaving 4000 to be transferred.

The transfer might of course be made in the proportion in which the whole of the second votes are given. Suppose, for instance, there were three Liberal candidates —A, B, and C. A has 10,000 votes, of which 4000 have to be transferred. If the 10,000 votes were marked in the second place, half for B and half for C, then the 4000 votes would obviously give 2000 each for B and C. If, in the 10,000, B had three-quarters and C one-quarter, the numbers would be 3000 for B and 1000 for C. This would be absolutely fair as between B and C. But it would probably be scarcely worth while to adopt this course. The present law provides that the voting papers shall be well shuffled, and after this has been done, if the first 6000 votes are put on one side, and the 4000 surplus votes simply divided in accordance with the preference marked on them, the result (which has been calculated out by Mr. Parker Smith and others) would, in a constituency of 24,000, generally be true within 16, and the odds would

be 44,000 to 1 against chance making a difference of 100 from the true result.

The opponents of the system have over and over again asserted that under the system we propose, the element of chance is, on the contrary, very considerable. I have, however, in vain endeavoured to induce any of them to produce any calculation in support of their statements, or to say what they themselves calculate the chances to be. Under these circumstances, therefore, I addressed the following letter to Professor Stokes, Secretary of the Royal Society, and Professor of Mathematics in the University of Cambridge, whose calculation I am sure every impartial person will accept as conclusive.

"HIGH ELMS, Feb. 3, 1885.

"MY DEAR PROFESSOR STOKES,—The opponents of Proportional Representation frequently object that under the system we propose much would depend on chance.

"This, of course, might be entirely obviated by distributing the second votes in proportion, but we have not thought this necessary because the chance is so small.

"According to our calculation, supposing a constituency of twenty-five thousand electors returning three members, and that a candidate receives ten thousand votes, of which one-half are marked in the second place for a candidate 'B,' and one-half for 'C,' and suppose that four thousand have to be distributed, the element of chance would generally affect the result by less than twenty.

"Your authority on such a question would, of course, be accepted as conclusive.

"Will you, therefore, allow me to ask you whether this is so, and also to state what the odds would be against the result being affected by chance to the extent of one hundred.

"I am, yours very truly,

(Signed) "JOHN LUBBOCK.

"G. Stokes, Esq., M.A., D.C.L., &c."

Professor Stokes kindly replied as follows—

"CAMBRIDGE, Feb. 5, 1885.

"MY DEAR SIR JOHN,—I have carefully calculated the chances, and quite verify your result. I find that the average difference from two thousand in the votes assigned to 'B' or 'C' in the case you mention would be as nearly as may be sixteen, and that the odds against the difference being as great as one hundred would be, in round numbers, forty-four thousand to one.

"Believe me, yours sincerely,

(Signed) "G. G. STOKES.

"Sir John Lubbock, Bart., M.P., &c."

I suppose that a difference of 100 votes in a constituency of 25,000 would not affect the result (at the outside) once in 20 times. If the country were divided into constituencies returning three or more members, there would not in all be more than 200 such constituencies; now assuming a general election every four or five years, and making a certain allowance for bye elections, we should have, say, something more than 4000 elections in a century. Consequently it follows that the element of chance would not affect a single election more than, say, about once in 10,000 years.

Moreover, it must be remembered that the element of chance, microscopical as it is, lies not between candidates of different parties, but between two almost equally acceptable candidates belonging to the same party. For instance, in the case I have taken above, a vast majority of the surplus votes taken from the first Liberal candidate would be given to the second. In all ordinary elections, the votes split between a Liberal and

a Conservative are a very small minority of the whole. But if, between two candidates, there is very little to choose, and the electors are all but evenly divided, then, from a national point of view, it cannot much matter which of them comes in.

I do not, however, wonder that the opponents of the system should have pressed this objection, because many of them appear to be under a singular misapprehension. They have tried experiments on a small scale, and seem to think that the element of chance would increase with the numbers. For instance, one of the ablest opponents says—

"In an experiment made to test the scheme, with 70 voting papers, where 9 candidates were supposed to contest 7 seats, the main parties being nearly evenly divided, and an independent candidate having nearly the quota, I found that 12 shuffles of the papers, filled always in the same manner, brought out 5 different results of the poll when counted on the principle of the system proposed, and it is clear that, with 70,000 voting papers, the result would be equally the subject of chance. . . . Generally, it may be said, that the larger the district and the more numerous the members, the greater the elements of chance."[1]

I read this with much surprise, and I need hardly say that it is founded on an entire misapprehension. The element of chance would of course be very large in a constituency of 70, but diminishes rapidly as the numbers increase. On this basis, indeed, the whole system of insurance is based.

Considering the magnitude of the element of chance

[1] The *Fortnightly Review*, Feb. 1885, p. 208.

under the system of majority voting, it is remarkable that such an infinitesimal element of accident should be regarded as an objection. Under no system, perhaps, is chance in reality so much reduced to a minimum.

I must repeat, however, that, as already pointed out, the element of chance might be altogether eliminated by distributing the second votes proportionally, and it might be desirable to leave any candidate the right to claim that this should be done, if he thought it worth while.

Another objection which has been frequently urged is "that every elector in either party would be provided with a list, and would be told that if he did not mark it in exactly the same order as every other elector, the party to which he belonged would go to the wall." That, however, is evidently a misapprehension. In fact, as long as the Liberals vote for all the Liberals, and the Conservatives for the Conservatives, it does not matter, so far as party is concerned, in what order the votes are arranged. The number of representatives carried by each party would be determined by the number of their supporters; the order in which the names were placed would not in any way affect the number of representatives returned belonging to the party, but would secure the election of the most able and popular candidate or candidates within each party.

Mr. Lefevre has brought forward another objection, which seems to me very extraordinary and uncom-

plimentary to his fellow-countrymen. "If the party organizers," he said, "give no such advice, but recommend their followers to vote in the order of their own preference, it may well be that large numbers would vote for the candidates in the alphabetical order in which they stand on the voting paper."

The "capable citizen" must indeed have fallen low before he can be capable of such stupidity.

The last objection which has been urged, is that the system, by giving too accurate a representation, might prevent the formation of a strong Government. This is, in effect, to maintain that an unjust system is better than a just one. It is the old argument in favour of despotism. But, as already pointed out, mere majority voting and single seats will not secure a strong Government. Sometimes, indeed, it might annihilate the minority, but at others it would reduce the majority, and sometimes as in 1874, even give the minority of electors a majority of the House of Commons. Proportional representation is, in fact, the only system which would fairly reproduce the views of the country.

Under this system, all necessity for interference or dictation by any caucus, agent, or committee is entirely obviated. The elector can freely vote for whom he pleases, without any fear that his vote will be thrown away. The majority would be fairly represented, the minority would obtain a hearing, and the most eminent and trusted leaders would be sure of election.

CHAPTER VI.

PROPORTIONAL REPRESENTATION.

THE CUMULATIVE VOTE.

THE Cumulative Vote is that system under which each elector has as many votes as there are members to be elected in his constituency, and may "cumulate" them all on one candidate, or divide them between the different candidates in any proportion he pleases.

This system was first suggested by Mr. James Garth Marshall in 1857. In 1870 it was adopted for the election of School Boards. It is also in actual operation in Illinois, and elsewhere.

It was considered that the introduction of proportional representation into School Board elections would contribute to the satisfactory working of our educational system, because a School Board, composed entirely of Churchmen on the one hand, or of Dissenters on the other, would, however unjustly, be regarded with suspicion.

On the other hand, the result of the cumulative system has been that the School Boards in our great cities contain representatives of every important section in the con-

stituency; and the representatives of the Education Department have recently given evidence before a Committee of the House of Commons that this has greatly contributed to the successful working of the Education Act.

Still it must be admitted that the system leads to a great loss of voting power. For instance, in the first Marylebone election (November, 1870), seven members having to be returned, the votes were as follows—

MARYLEBONE.

Successful Candidates.	
Garrett	47,858
Huxley	13,494
Thorold	12,186
Angus	11,472
Hutchins	9,253
Dixon	9,031
Watson	8,355
Unsuccessful Candidates.	
Mills	7,927
Powell	7,852
Whelpton	5,759
Waterlow	4,994
Garvey	4,933
Marshall	4,668
Guedella	4,635
Cremer	4,402
Edmunds	3,973
Verey	2,130
Stanford	1,486
Wyld	334
Dunn	258
Brewer	103
Beare	62
	165,165

It will be seen that Miss Garrett received no less than 47,858 votes, while, under the circumstances, 8,000 would have elected her. Nearly 40,000 votes out of the 48,000 were therefore wasted, and it is obvious that if Miss Garrett's supporters had known their strength, they would have desired to vote so as to secure the return of other candidates sharing their opinions. The Marylebone election was certainly an extreme case, but there have been many others in which the same phenomenon has been repeated.

It must be observed that when the cumulative vote was proposed by Mr. Marshall, voting was open, and it is obvious that the introduction of the Ballot has greatly affected the problem, by rendering the operation of the system more uncertain than would otherwise have been the case.

No doubt the cumulative vote works much more satisfactorily in constituencies returning only three members. It has been adopted in the amended constitution of the State of Illinois, and the results have been thus described in a letter by Mr. Medill to the *Cincinnati Commercial* (Dec. 2, 1872)—

"For the first time in the history of political organizations each party is represented from every portion of the State, and the aggregate representation is exactly in proportion to the numerical strength of each party. Thus the Republicans have elected 86 members of the House, and the Democrats 67. The Republican vote of the State was 240,837; the Democratic vote (including O'Conor's) was 187,250. This would give an average of 2800 Republican votes cast for each Republican member, and 2790 Democratic votes cast for each member of that persuasion.

"What could be more [illegible]al or mathematically exact? The majority party have compl[illegible]control, but the minority party have just the representations the[illegible]re entitled to on principles of equality. Had the House been elected on the "grab-all" method, it would stand, Republican 99, Democrat 54. We elected our Senate by single districts, and the Republicans carried 33 districts and the Democrats but 18. Divide the total Republican vote by the number of senators elected, and the quotient is about 7300 votes to each. Divide the Democratic vote by their senators elected, and their quotient is about 10,400. Thus you perceive the Democrats are not nearly represented in the Senate in proportion to their strength; but in the House, which was elected on the minority representation plan, they have secured precisely the number of members they should have on principles of right and justice.

"The practical working of the two systems, viz., the "grab-all" and the proportional, was strikingly exemplified in this county, which is divided into seven senatorial districts. The Republicans carried 6 of them, and the Democrats only 1; but for the other House the Democrats elected 8, and the Republicans 13 members, and that is exactly the number of members each party was entitled to in proportion to its strength at the polls in this county.

"For the first time for many years will the Democrats of this city be represented in the General Assembly by men of their choice and sentiments; and for the first time since the Republican party was organized in Illinois (in 1854) have the Democrats secured a representation from Northern or the Republicans from Southern Illinois, with rare exceptions. The strongest and bitterest Democratic districts down in 'Egypt' have now, for the first time in the history of existing parties, elected Republicans to the General Assembly.

"I send you a list of the members elect from all the districts—beginning with Chicago and ending with Cairo. Mark the number of Republicans who have been chosen to the House from the Thirty-third to the Fifty-first District inclusive. These, with two or three exceptions, have heretofore constituted the Democratic strongholds of our State. Also note the number of Democrats who have been returned in the districts from the First to the Twenty-third. (This territory is called 'Canaan' in contradistinction to 'Egypt' at the opposite end of the State.) From this 'Canaan's fair and happy land' Democratic members have, therefore, been as scarce as white blackbirds.

"Some of the politicians, before the election, predicted that cumulative voting would cause so much confusion and mischief that it would have to be abolished right away. The people, they said, would never comprehend it or know how to vote by that method; and the judges of the election, they predicted, would be unable to count up the votes and make correct returns. But none of their evil prognostications came to pass. The people seemed to understand their new power of cumulative voting, and exercised it freely. In some instances they elected two Republicans in a Democratic district, or two Democrats in a Republican district. This was done by 'plumping' for favourite candidates or transferring a part of a vote to a political opponent on account of his personal merits or popularity. But the general result did not change the proportional representation of parties.

"Again the *Chicago Times* (28th November, 1872) adverting to the statement of Mr. Medill, observes that, clear as it is, it still 'fails to exhibit with due precision and force the most remarkable contrast between the new proportional system and the old 'general ticket' system The *Times* yesterday directed attention to the fact that in the new Illinois Congressional delegation only 250,181 of the 434,252 citizens who sought to gain representation are actually represented, while no less than 184,071 of the number seeking representation are actually unrepresented or misrepresented. The like fact appears no less conspicuously in the election of our State senators. In the seven senatorial districts in Cork county 50,355 votes sought to gain representation in the State senate. Of this number only 31,935 will be actually represented, leaving no less than 18,420 wholly unrepresented or misrepresented. The table of votes, showing the represented and unrepresented voters in each of the seven senatorial districts is as follows—

Districts.	Represented.	Unrepresented.
First	3,342	2,263
Second	6,740	3,077
Third	3,995	4,109
Fourth	4,304	3,886
Fifth	6,175	1,167
Sixth	2,663	2,634
Seventh	4,716	1,284
Total	31,935	18,420

"Seven senators to be chosen by 50,355 voters gives 7193 as the representative quota. From the table it will be seen that there were two full quotas of voters and a surplus of 4034, making in fact three senatorial quotas who were unable to choose a single senator, while no more than four quotas (justly entitled to four senators, but no more), elected all seven of the senators, taking to themselves a monopoly of the whole senatorial delegation. And this is what 'free and intelligent' American citizens are told by the professional office-begging politicians is popular representation!

"Some critics of the free vote have expressed fears that it might result in a great 'waste of votes.' By 'waste votes' they mean votes that fail to elect anybody. The 18,420 unrepresented voters shown in the foregoing table would be described by them as citizens who wasted, or threw away, their votes. They 'threw away their votes' because the law arbitrarily excluded them from the right of representation and conferred upon four representative quotas all the representatives (senators) to which seven quotas were entitled. They 'threw away their votes' because the law, in order to give a monopoly of the representation to a part of the constituency, disfranchised them in the senate of Illinois.

"But how was it in the choice of representatives, by the same voters, for the other branch of the Legislature, in which choice the free or cumulative vote prevailed? How many voters in the seven Cook County districts, threw away their votes, or failed to gain representation, under the operation of the new system? The following table shows the number of represented and (apparently) unrepresented voters in each of the same districts under a free vote—

Districts.	Represented.	Unrepresented
First	4,448	993
Second	7,906	1,799
Third	6,798	204
Fourth	7,491	1,018
Fifth	4,945	1,109
Sixth	3,870	1,520
Seventh	4,927	834
Total	40,385	7,477

"This table shows that the whole number of voters in the seven

Cook County districts, who sought to be represented in the Lower House of the Legislature, was 47,862, of which number 40,385 actually gained a representative or representatives of their choice. In reality, the number who actually gained representation was much more than that, and the number who failed to gain representation much less than 7,477. The column 'unrepresented' in this table is reduced from all the votes given to candidates that were not elected, and is therefore largely made up of voters who gave only a portion of their three votes to the defeated candidate and the rest to a successful candidate. All such are, therefore, not unrepresented, but are actually represented by one representative of their choice. The actual number of unrepresented would, of course, be only those voters who gave all their votes to a defeated candidate. It is impossible to ascertain the exact number of such without an examination of the ballots. It may, however, be fairly presumed that the actual number of voters in the seven districts who failed to gain representation would exclude a few more than those who, in the Third, Sixth, and Seventh Districts, voted 'plumpers' for Mr. Lowe (204), Mr. Buckingham (600), and Mr. Plowe (324). Assuming this to be the fact, the total number of voters in an aggregate of 47,862, who, by the use of the free or cumulative vote, failed to gain representation was only 1128.

"The comparison, then, of the results of the old and new system, operating side by side in these seven districts, at the same election is as follows—

	Voters Represented.		Voters Unrepresented.
Old System	31,935	.....	18,420
New System.....	46,734	.....	1,128

"These facts are recommended to the thoughtful consideration of all men who believe in popular representative government."

The Chicago *Daily Tribune* (Nov. 21, 1872) expressed a similar opinion—

"There are a number of defeated candidates who declare minority representation a humbug, and demand its repeal at the earliest possible time; but, on the whole, it has worked admirably; it has secured the great end sought, and has enabled the people, in many

instances, to defeat the objectionable candidate by the election of better men. The principle of minority representation has been fully indicated by the results."

The *World* adds—

"If the work of this 'reformed' House of Representatives makes good the promise given by the nearly equally balanced state of parties and the defeat of objectionable candidates at the polls, we may expect to see the principle which has brought about these results incorporated into the various State constitutions."

It is clear, then, that the Cumulative Vote secures a share of representation to all important sections of the community; but when more than three members have to be returned, it must be admitted that the almost inevitable waste of votes is a serious objection.

CHAPTER VII.

PROPORTIONAL REPRESENTATION.

THE FREE LIST, OR TICKET.

THIS system was proposed by Mr. Gilpin, of Philadelphia, in 1844, in a pamphlet, which seems to have been the first attempt to place Representation on a true basis. Under this system the elector would vote for a list. Several modifications have been proposed. To meet the objection that it places too much power in the hands of party managers, Mr. Baily has suggested that the list should be prepared by the candidate himself, instead of by the committee.

Mr. Westlake has pointed out that this system might be combined with the Cumulative Vote by the adoption of the following rules :—

1. At every such election every voter shall be entitled to a number of votes equal to the number of members to be elected.

2. Any two or more candidates may be nominated together as a list, in which their names appear in a certain order. The name of no candidate can appear on more than one list.

3. Any voter may give all or any of his votes to any list so formed, and may also give all or any of his votes to any candidates on any list, just as if they had stood separately.

4. The number obtained by dividing the whole number of good votes given at the election by the number of members to be elected, plus one, and increasing the quotient, or the integral part of the quotient, by one, shall be called the Quota.

5. The votes given to any list shall be attributed to the first candidate on it until thereby, together with any votes given to him singly, he has obtained the quota. They shall then be attributed to the second candidate on the list, until he has similarly obtained the quota, and so on.

6. Any residue of the votes given for a list which is insufficient to make up the quota for the last candidate on it reached under the preceding rule, shall be attributed to the next lower candidate on the list, if any, for whom it can make up the quota, until his quota is made up, and so on. Any final residue, which is insufficient to make up the quota for any candidate remaining on the list, shall be attributed to the candidate remaining on it to whom the most votes have been given singly, and, in case of equality, to the first such candidate.

7. Those candidates shall be declared to have been elected to whom the largest numbers of votes shall have been given or attributed.

Another form of the "Free List" has been proposed by Mr. Seebohm and Mr. Parker Smith, and explained

by Mr. Albert Grey in a very able article in the *Nineteenth Century* of 1884. The following rules explain the manner in which the elections would be held :—

1. Every voter may vote for as many candidates as he pleases. If he vote for one candidate only, his vote shall count one to that candidate ; if for two candidates, it shall count a half to each, and so on.

2. Any two or more candidates may be nominated as joint candidates. The names of such candidates shall be bracketed together upon the voting-papers.

3. Votes given to a candidate so nominated may be attributed either to that candidate, or to any of the candidates nominated as joint candidates with him.

4. The order of priority of joint candidates shall be determined by the number of votes polled by each, and the votes of such candidates shall be applied, according to the regulations of the schedule, to elect in that order as many as possible of such candidates.

Regulations for the Returning Officer :—

1. The votes of every candidate in each set of joint candidates shall be distributed equally among all the candidates in that set.

2. The candidate with the fewest votes after this distribution shall be declared not elected ; or if a set of joint candidates stand equal with fewest votes, then the candidate who polled fewest votes in that set shall be declared not elected, and the votes of that candidate shall be distributed amongst the remaining candidates of the set.

3. Candidates shall be successively rejected in this manner until there remain no more candidates than the number of members to be elected, when the candidates so remaining shall be declared elected.

The Free List system has many able advocates, and presents no doubt considerable advantages. On the other hand it perhaps interferes unduly with the freedom of the elector.

CHAPTER VIII.

PROPORTIONAL REPRESENTATION.

THE LIMITED VOTE.

Summary.

UNDER this system the constituency returns three or more members, but the elector has a number of votes somewhat less than the number of members to be elected; the commonest and most convenient arrangement being for the constituency to return three members, each elector having two votes, of which, moreover, he cannot give more than one to any one candidate. This plan appears to have been first suggested by Mr. Praed in 1832. Speaking in the House of Commons on the Reform Bill, he said: [1]

"If large counties were not divided, each freeholder might have four votes. He wished to restrict them to two, and he thought this object might be attained even without the division of counties, by allowing each freeholder to only vote for two members, though four were to be the number returned. This was a new principle, and he threw it out for the consideration of the House, and would not further press it at present; but, as he understood the object of a representative assembly was to allow all classes to be heard, it frequently happened, as in the case he had stated (Northamptonshire), that a bare majority returned both members. He was therefore of opinion some measures should be taken to make the voice and views of a large minority known in the legislature."

[1] January 27, 1832.

Mr. Praed did not press the suggestion. Four years later it was proposed by Lord Grey for adoption in Irish Municipal Elections, and again by Lord John Russell in the Reform Bill of 1854.

The Reform Bill of 1867 originally contained no provision for any proportional representation, and a proposal by Lord Sherbrooke—then Mr. Lowe—to introduce the Cumulative Vote was rejected by a large majority. In the House of Lords the Limited Vote, for the three-membered constituencies, was proposed and carried by Lord Cairns, and subsequently accepted by the House of Commons. It was only applied, however, to thirteen constituencies, returning forty members. These "three-membered constituencies." have been abolished by the Redistribution Act of this year.

On the whole, it cannot be denied that under the Limited Vote, the views of the electors have been fairly represented. The system, however, becomes less applicable in constituencies returning a larger number of representatives than three. Moreover, if either party think themselves strong enough to endeavour to secure all three representatives, they can only attempt this, with any chance of success, by careful organization and strict party discipline. For instance, in Birmingham, when the Liberals contested and succeeded in carrying all three seats, the party managers had to instruct the electors in each ward how to distribute their votes, so that there might be as little waste as possible. This is, no doubt, a drawback, but

in other respects this system has certainly much to recommend it.[1]

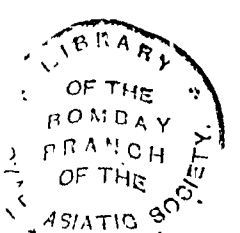
I have thus described briefly, and I fear very imperfectly, the effect of the principal systems of voting which have hitherto been proposed. Those who may wish to consider the advantages which would probably result from the adoption of a just system of representation, I may refer to the works of Mill, Hare, and others.

I have assumed that Parliament should be "a mirror of the nation;" if the object were to secure unity of action rather than freedom of discussion, to form an executive body, such as a Government, a Board of Directors, or a Vestry, the case would be quite different. It is, however, I presume, our wish that Parliament should be a deliberative assembly, in which all parties should be fairly represented. The system of single seats may give us such a body, but not always, and only as it were by accident; this great object can only be secured by some form of Proportional Representation.

Among the various systems which have been proposed, I believe that the Single Transferable Vote is on the whole the best; that any country which adopts it will secure the three great requisites of Representation, namely, power to the majority, a hearing to the minority, and lastly what is of scarcely less importance, the representation of every considerable party and section by its best and ablest leaders.

[1] In Italy, by the law of 1882, the Limited Vote is applied to the constituencies, thirty-three in number, which return five members. In these cases each elector has four votes.

APPENDICES.



APPENDIX I.

APPENDED are expressions of opinion on the subject of Representation from various eminent statesmen.

MR. PRAED.—1831.

PRESENT SYSTEM OF ELECTION.

"If we desire that the representatives of a numerous constituency should come hither merely as witnesses of the fact that certain opinions are entertained by the majority of that constituency, our present system of election is certainly rational, and members are right in their reprobation of a compromise, because it would diminish the strength of the evidence to a fact we wish to ascertain. But if we intend, as surely we do intend, that not the majority only, but the aggregate masses of every numerous constituency, should, so far as is possible, be seen in the persons and heard in the voices of their representatives—should be, in short, in the obvious literal sense of the word, 'represented' in the House—then, Sir, our present rule of election is in the theory wrong and absurd, and in practice is but partially corrected by the admission of that compromise on which so much virtuous indignation has been wasted."

EARL RUSSELL.—1854.

CHECKS AND BALANCES.

"Now it appears to us that many advantages would attend the enabling the minority to have a part in these returns. In the first

place, there is apt to be a feeling of great soreness when a very considerable number of electors, such as I have mentioned, are completely shut out from a share in the representation of one place. . . . But, in the next place, I think that the more you have your representation confined to large populations, the more ought you to take care that there should be some kind of balance, and that the large places sending members to the House should send those who represent the community at large. But when there is a very large body excluded, it cannot be said that the community at large is fairly represented."

1865.

MINORITY REPRESENTATION.

In his Essay on the English Constitution (Edition of 1865) he wrote as follows:—

"If there were to be any deviations from our customary habits and rooted ideas on the subject of representation, I should like to see such a change as I once proposed in order to obtain representatives of the minority in large and populous counties and towns. If, when three members are to be elected, each elector were allowed to give two votes, we might have a Liberal country gentleman sitting for Buckinghamshire, and a Conservative manufacturer for Manchester. The local majority would have two to one in the House of Commons, and the minority would not feel itself disfranchised and degraded."

1867.

THREE-CORNERED SEATS.

In the House of Lords, in 1867, he gave a vigorous and able support to Lord Cairns' amendment:—

"I believe (he said) by means of such a plan you would introduce into the House of Commons men of moderate views, whose influence would tend to reconcile parties on those occasions which now and then arise when neither extreme is completely right, and when the influence of moderate men is of much use in allaying the heat of party passion.

"Suppose a town has 20,000 voters, and that 12,000 are of one side in politics and 8,000 of the other: would not that town be

better represented if both the 12,000 and the 8,000 were represented, than if only the 12,000 were represented? The gentleman who first impressed me with these opinions as to three-cornered constituencies mentioned to me that, in a great manufacturing town where there was a very considerable Conservative minority, men of the greatest respectability, men of wealth and men of education, were in such a state of political irritation, from the fact of feeling themselves reduced to the position of mere ciphers at elections, that they were sometimes ready to support candidates of even extreme democratic opinions. . . . I can well understand men who are extremely intolerant and exclusive in politics objecting to give any voice to those whose political views are distasteful to them, but I cannot understand such an objection being urged by those who are in favour of having public opinion fairly represented."

CALHOUN.—1854.

FALSE REPRESENTATION.

"The radical error, the consequence of confounding the two, and of regarding the numerical as the only majority, has contributed more than any other cause to prevent the formation of popular constitutional governments, and to destroy them even when they have been formed. It leads to the conclusion that, in their formation and establishment, nothing more is necessary than the right of suffrage, and the allotment to each division of the community a representation in the government, in proportion to numbers. If the numerical majority were really the people, and if to take its sense truly were to take the sense of the people truly, the government so constituted would be a true and perfect model of a popular constitutional government; and every departure from it would detract from its excellence. But, as such is not the case—as the numerical majority, instead of being the people, is only a portion of them—such a government, instead of being a true and perfect model of the people's government, that is, a people self-governed, is but the government of a part over a part—the major over the minor portion" ("The Works of John C. Calhoun," vol. i. p. 30).

NOMINAL MAJORITY NOT TRUE MAJORITY.

"The conflict between the two parties, in the government of the numerical majority, tends necessarily to settle down into a struggle for the honours and emoluments of the government; and each, in order to obtain an object so ardently desired, will, in the process of the struggle, resort to whatever measure may seem best calculated to effect this purpose. The adoption, by the one, of any measure, however objectionable, which might give it any advantage, would compel the other to follow its example. In such case it would be indispensable to success to avoid division and keep united; and hence, from the necessity inherent in the nature of such governments, each party must be alternately forced, in order to insure victory, to resort to measures to concentrate the control over its movements in fewer and fewer hands, as the struggle became more and more violent. This, in process of time, must lead to party organization and party caucuses and discipline; and these to the conversion of the honours and emoluments of the government into means of rewarding partisan services, in order to secure the fidelity and increase the zeal of the members of the party. The effect of the whole combined, even in the earlier stages of the process, when they exert the least pernicious influence, would be to place the control of the two parties in the hands of their respective majorities; and the government itself, virtually, under the control of the majority of the dominant party for the time, instead of the majority of the whole community—where the theory of this form of government vests it. Thus, in the very first stage of the process, the government becomes the government of a minority instead of a majority—a minority, usually, and under the most favourable circumstances, of not much more than one-fourth of the whole community." ("The Works of John C. Calhoun," vol. i. pp. 40, 41).

EARL GREY.—1864.

THE CUMULATIVE VOTE.

"The first of the reforms of a conservative tendency which I should suggest, and one which I should consider a great improvement under any circumstances, but quite indispensable if any changes favourable to democratic power are to be admitted, would

be the adoption of what Mr. James Marshall has called the 'Cumulative Vote'—that is to say, the principle of giving to every elector as many votes as there are members to be elected by the constituency to which he belongs, with the right of either giving all these votes to a single candidate, or of dividing them, as he may prefer.

"The object of adopting this rule would be to secure to minorities a fair opportunity of making their opinions and wishes heard in the House of Commons. In order that it might fully answer this purpose, the right of returning members to Parliament ought to be so distributed that each constituency should not have less than three representatives to choose. Supposing that three members were to be elected together, and that each elector were entitled to three votes, which he might unite in favour of a single candidate, it is obvious that a minority *exceeding* a fourth of the whole constituency would have the power of securing the election of one member. It is probable that in general three members would be thus returned, each representing a different shade of opinion among the voters.

"The advantages this mode of voting would be calculated to produce, and the justice of making some such provision for the representation of minorities, or, rather, the flagrant injustice of omitting to do so, have been so well shown by Mr. Marshall in the pamphlet I have already referred to, and by Mr. Mill in his highly philosophical treatise on representative government, that it is quite needless for me to argue the question as one of principle. But I may observe that, in addition to its being right in principle, this measure would be in strict accordance with the lessons of experience, if read in their true spirit. One of the most remarkable peculiarities of the British House of Commons, as compared with other representative bodies, is that it has always had within its walls members representing most of the different classes of society, and of the various and conflicting opinions and interests to be found in the nation.

"Much of the acknowledged success with which the House of Commons has played its part in the government of the country, has been attributed (I believe most justly) to this peculiarity. The changes made by the Reform Act, and especially the abolition of the various rights of voting formerly to be found in different towns, and the establishment of one uniform franchise in all the English boroughs (with only a small exception in favour of certain classes of freemen),

tended somewhat to impair the character of the House in this respect. The greatly increased intercourse between different parts of the country, and the rapidity with which opinions are propagated from one extremity of the kingdom to another, have had a similar tendency; and there is no longer the same probability as formerly that different opinions will be found to prevail in different places, so as to enable all parties to find somewhere the means of gaining an entrance to Parliament for at least enough of their adherents to give expression to their feelings.

"Hence there is a danger that the House of Commons may cease to enjoy to the same extent as formerly the great advantage of representing the various classes and opinions to be found in the nation. That danger would be greatly aggravated by rendering the constituencies more nearly equal than they are; but the simple change involved in adopting the cumulative vote would do much towards guarding against it, since with this mode of voting it would be impossible that any considerable party in the country should be left unrepresented in Parliament. The tendency of the alteration would be conservative in the best sense of the word, while at the same time, in many cases, it would have the effect of relieving Liberal politicians from a disadvantage to which they are unfairly subjected. On the one side it would prevent the representation of the large town constituencies from being monopolized, as at present, by candidates ready to pledge themselves to the support of democratic measures. Even in the metropolitan boroughs we might reasonably expect that some members would be returned really representing the higher and most educated classes of their inhabitants, who are now practically without any representation at all, except that which they obtain indirectly by means of members chosen by other constituencies. Thus, in the large towns, it would put an end to the unjust monopoly on the part of Radical politicians; and, on the other hand, in those counties where a Conservative majority now excludes a strong Liberal minority from any share in the representation, it would correct a similar tendency in the opposite direction. In both cases this system of voting would be calculated to give more weight to the independent electors, who are not thorough-going partisans on either side, and to favour the return of candidates deserving their confidence" ("Parliamentary Government, considered with reference to Reform," ed. 1864, p. 203).

LORD CAIRNS.—1867.

THREE-CORNERED CONSTITUENCIES.

"These must obviously be looked at from three points of view: the advantages to the general legislation of the country, the advantages to the members who would be selected under an arrangement of this kind, and the advantages to the constituencies themselves. Now, with regard to the legislature, the advantages which I think would be gained by this system would be these: you would obtain, in the persons of those who would be the representatives of the minority in these large constituencies, a body of men of great intelligence and of great independence; you would have those elements of advantage which exist in the representation of small boroughs, and, at the same time, you would be perfectly free from the disadvantages and defects of the small borough system. . . . Questions are constantly arising which, in one aspect, are questions of general political interest, but which are more or less connected with local interests, and bear upon local claims; and thus a question which, in a general point of view, is of political interest to the whole country, is sometimes coloured and affected in many ways by the way in which it is viewed in different localities.

"No doubt, in discussing general questions of political interest, it would be of the greatest possible advantage to hear how those questions were viewed, not merely by different localities, but by different bodies of men in the same locality. That result you would obtain by the plan which I propose. . . . I will pass to the consideration of the advantages which would be gained by the representatives of these large constituencies themselves. . . . You would have from the same constituency two members representing the majority and one representing the minority, communicating freely with each other, and without the slightest tinge of jealousy or apprehension that the interests of one would jar or conflict with the interests of the other in the constituency. . . . Again, with regard to the constituency itself—and this is one of the most important views of the case—observe the advantages which would be gained:

"First, I believe you would gain the greatest possible local satisfaction; there is nothing so irksome to those who form the minority of one of those large constituencies as finding that from the mere force of numbers they are virtually excluded from the exercise of any political power, that it is vain for them to attempt to take

any part in public affairs; that the elections must go in one direction, and that they have no political power whatever. On the one hand the result is great dissatisfaction, and on the other it is disinclination on the part of those who form the minority to take any part in affairs in which it is important they should take a prominent and conspicuous part. . . . In addition to that, it would do much to soften the asperities of political feeling which sometimes, though not often, prevails in large constituencies. . . . Of this I am sure (and although some treat it as an objection I think it a great advantage of the scheme), that contests would be very much diminished in large constituencies where contests are most expensive—so expensive that the mind almost recoils at hearing the sums which they cost. Contests, practically, would come to an end; and, as they did, so would danger of bribery and corruption. You would have great constituencies divided into great component parts; you would have each portion well represented; you would have freedom from expense, freedom from the irritation of political feeling, and from the curse of all elections, bribery" (3 Hansard clxxxix. pp. 433–441).

LORD SHERBROOKE.—1867.

The Rt. Hon. R. Lowe, on moving his amendment for the introduction of the Cumulative Vote said that:—

"He must not be understood as coming forward to argue for any protection to the minority . . . but between the members of the constituency there should be absolute equality; the majority should have nothing given to it because it was a majority; the minority should have nothing taken away from it. . . . Let each voter have an equal number of votes not dependent upon the use he makes of them; let him be at liberty to dispose of them as he likes. . . . The tendency of the present system was to make that stronger which was already strong, and that weaker which was already weak. By an arbitrary and unreasonable rule it strengthened the majority; by the same arbitrary and unreasonable rule it weakened the minority. On abstract justice, therefore, the present rule could not be maintained. The proper way to alter it was to give each elector as many votes as there were vacancies, and leave him absolutely free to dispose of them as he pleased—to give all to one person, one to each of three, or two to one, and one to another.

"By that means they would be doing nothing unjust or unfair to the majority or to the minority. They would be merely putting them on a level, or leaving them on perfectly fair ground. That was the abstract argument. There were different ways by which the end might be accomplished. Some proposed to give only a single vote to each elector, others recommended that when there were three candidates each elector should have two votes. He preferred to give each elector three votes and allow him to dispose of them as he pleased. The objection to the two first proposals was that they would operate in the way of disfranchisement, and would take away something people already possessed; because on the supposition that there were three candidates they had already three votes. The system he proposed had greater flexibility and better adapts itself to the general purposes of elections. . . . They would find that in this way opinion in constituencies would ripen. Opinion in that House would ripen to changes, and the House would become a more delicate reflex of the representation of opinion; would, to a great extent, prevent the necessity of external agitation, and be a great discouragement to it. There was nothing more worthy of the attention of statesmen in the new state of affairs than anything which would have the tendency to prevent that violent oscillation which they now witnessed. What happened in the United States? The minority of thousands might as well not exist at all. It is absolutely ignored. Was their country (England) in like manner to be formed into two hostile camps, debarred from each other in two solid and compact bodies? Or were they to have that shading-off of opinion, that modulation of extremes, and mellowing and ripening of right principles, which are among the surest characteristics of a free country, the true secrets of political dynamics, and the true preservatives of a great nation? He said, then, that what he proposed to the House was in itself just, equal, and fair, founded on no undue and unfair attempt to give a minority an advantage they were not entitled to exercise, and that it was peculiarly applicable to the state of things on which they were entering. . . . He might justly add that the principle of the amendment was large enough to include boroughs returning two members, as well as those which had three; and if it were worth while he was prepared to contend that upon abstract principle it ought to be applied to both classes of borough" (3 Hansard clxxxviii. pp. 1037–41).

APPENDIX II.

THE DANISH SYSTEM OF REPRESENTATION.

EXTRACTS from a report by Mr. Lytton, Her Majesty's Secretary of Legation in Denmark, on the election of Representatives for the Rigsraad.—July, 1863.

In conformity with the instructions contained in the Earl of Clarendon's circular despatch of February 27, 1857, and in the circular despatches upon the same subject addressed by Earl Russell to Her Majesty's Missions in the months of January and March, 1860, I have the honour to submit to your inspection, with the request that you will be so good as to transmit the same to Her Majesty's Secretary of State for Foreign Affairs, the present Report upon the system now in use in Denmark for the election of Representatives to the Rigsraad, or Supreme Legislative Council of the United Kingdom of Denmark and the Duchies of Schleswig, Lauenburg, and Holstein.

In the first place, the mode of direct election for the Danish Rigsraad is a subject of which the interest, indeed, cannot be exhausted by the few general remarks to which this Report must be necessarily confined; but which, nevertheless, furnishes within comparatively close compass more matter for interesting inquiry than any other of which I can possibly think.

In the next place, it enables me to place on record some facts which I believe to be but little known, and which appear to me deserving of an attention greater and more serious than they have hitherto received.

In the third place, this is a subject which I venture to think of singular and special importance, because it illustrates by the experience of eight years (although, indeed, within limits much narrower than I could wish) the practical working and effect of a system of election which indeed has hitherto only been considered in England as a theory, but which has, nevertheless, been recently recommended to public attention by the mature approval of a profound and accurate

thinker, whose opinion upon all questions of social and political progress is, perhaps, the most generally esteemed in Europe.

I believe that it was in the year 1857 that Mr. Thomas Hare first published his now well-known treatise on the "Election of Representatives." In 1860 some modifications of Mr. Hare's system were suggested in a pamphlet by Mr. Henry Fawcett, and the work has subsequently appeared in amplified form, but with greater condensation and simplification of the original system. In 1861 the proposals of Mr. Hare received additional weight from the concurrence and authority of Mr. John Stuart Mill, in whose recent work upon Representative Government one of the most interesting chapters is devoted to the explanation and advocacy of those proposals.

But in the year 1855, that is to say four (two) years previous to the first publication of Mr. Hare's theory of representation, a Danish statesman of great eminence and ability, considering the same subject from a different point of view, and arriving at almost identical results by a different process, had fully anticipated every essential principle and part of the electoral system first advocated in England by Mr. Hare.

It is obvious that in England this system, as yet barely promulgated, must, whatever its merits or defects, so long as it represents only a theoretical conclusion, be encountered by that mass of permanent and preconceived objection which adheres to all theory, and which is, indeed, itself the result of conclusions equally theoretical.

"Among the ostensible objectors to Mr. Hare's scheme, some profess," says Mr. Mill, "to think the plan unworkable."

There must always be ground sufficient to support objections of this nature to a scheme which has not been worked. It is, therefore, a fact by no means unimportant that in Denmark, at least, the scheme in question, or one precisely similar, has actually been working for eight years. For if the question "Will it work?" can be eliminated, the more important question of "What may be the result of its working?" will be entitled to increased attention. Nor is it uninteresting to find that, as regards the main question, the same result has been sought and attained in two instances by a dissimilar process. For if a disputed problem should present precisely the same result to two persons, one of whom undertakes to prove it by mathematics and the other by geometry, the conclusion will then stand upon double grounds that this result is accurate. The grounds upon which both Mr. Hare and Mr. Mill have probably formed the con-

clusions in which they agree, as to the best basis of an electoral system, would appear to have been chiefly political. Those upon which the basis they recommend has been established in Denmark are no doubt chiefly mathematical.

With the details of Mr. Hare's electoral theory the purpose of this Report is not immediately concerned. That purpose is merely to make intelligible the main features of the Electoral Law established in Denmark in the year 1855 for the election of Representatives to the Rigsraad.

To do this, however, the speediest and simplest means will be to take Mr. Hare's scheme as a point of comparison and reference. It will therefore be necessary to state what is the substance of this scheme. I will endeavour to do so as briefly as I can.

It will then be possible to contrast this scheme, in its chief characteristics, with that which is now law in Denmark, and which I propose to describe, pointing out to what extent the two systems coincide and in what respect they differ. Rightly to appreciate either the one or the other, it is necessary to bear in mind the ends which in both cases, it has been sought to attain, and the reasons for which these ends have, in each case, appeared desirable. I must, therefore, ask permission to refer in passing to this important part of the subject. I shall do so as rapidly as is compatible with the claim of such a subject to be seriously considered. It will also be necessary, in referring to the Electoral Law of 1855, to point out the peculiar circumstances which unfortunately, by limiting the application of that Law, diminish its value as a practical example. Finally, I shall endeavour to record what, so far as I can yet judge from such conversation as I have been able to hold with persons of intelligence and impartiality interested in the subject, is the general impression in this country, after eight years' experience, of the practical effects of the electoral system devised by Mr. Andrae, and how far the result of it may be considered as having satisfied the intentions of the author.

Notwithstanding the length of time during which Representative Government has existed under various forms, it is not surprising that the majority of questions concerning government by representation should still be open to debate; for the conclusion to be formed upon any question of this kind must always be in relation to circumstances peculiar to the country in respect of which the question has to be solved. But in regard to the fundamental principle

which all government by representation is based, and to the complete realization of which every form of Representative Government must approximate, in a greater or less degree according as the development of it is favoured or impeded by local circumstances, there would seem to be no reasonable ground for difference of opinion. It has been admitted on all sides that the completest form of Representative Government must be that in which the greatest number of interests and opinions are completely represented; that form of government, in short, which most nearly approximates to the government of the whole by the whole. But by those who have arrived at the conclusions which have dictated, in the one case Mr. Hare's electoral scheme, in the other Mr. Andrae's electoral law, it is argued that such a result is incompatible with any system of representation which tends to assume the part as tantamount to the whole; in other words, to confound the majority with the people.

If, it is argued, the representatives of the majority be suffered by a political fiction to represent more than the majority, not only an arithmetical misstatement, but also a great political injustice, takes place. For the minority is then not merely unrepresented, but it is actually misrepresented. It is compulsorily incorporated into the majority; and this forced fellowship is, to use the words of Mr. Burke, "conquest and not compact." If it were possible to suppose (what is never the case) that the whole of a country were, indeed, divided into only two sections of opinion, of which one was more numerous than the other in the proportion of three to two, the minority in that case, if adequately represented, would stand in the representation at a proportion of two to three; but if it should occur, as it naturally would occur without some provision to the contrary, that the majority in each constituency were to dispose of the entire representation of that constituency to a member of the more numerous class, instead of there being in the Legislature two of the less numerous to every three of the more numerous sect, the minority would, in fact, have no means of meeting their adversaries in the Legislative Body at all. "They are," says Mr. Hare, "previously cut off in detail;" and in qualifying such a result he cites the authority of M. Guizot, "Si la minorité est d'avance hors de combat il y a oppression."

But the evil, it is further argued, does not stop here. For all customary majorities are, indeed, only an agglomeration of minorities,

each of which, rather than remain altogether unrepresented, has preferred to secure a sort of partial and collateral representation as part of an aggregate, which coheres only, perhaps, upon a single and often secondary point. The majority is thus only a majority of a majority, "who may be," says Mr. Mill, "and often are, a minority of the whole. Any minority," he adds, "left out, either purposely or by the play of the machinery, gives the power, not to a majority, but to a minority in some other part of the scale."

And, although this inequality is, no doubt, balanced to a great extent, in a system of representation such as that which obtains in England, by the fact that opinions, predominating in different places, find rough equivalents for the minority with which they are swept away in one place by the majority they secure in another; yet, if the suffrage were to be extended much further (and it cannot be considered as final at a point which leaves out of direct representation the most numerous class in the country), the danger which, under the present system, must then arise of government by a single (and that, on the whole, the least educated) class has long been apparent to statesmen of all parties. At the same time it would be palpably unjust and humiliating to advocate the permanent exclusion of this numerous and important class from all direct representation, on no better grounds than those which involve the admission that the whole representative machinery of the country is constructed upon a principle so erroneous that the motive power cannot be augmented without throwing the entire machine out of gear.

To these considerations is added that of the deterioration of political character to which voters may be exposed by any sort of compulsion, to select as their representatives, not those men whom they regard as the most enlightened and most honest exponents of their opinions or interests, but those who seem most likely to conciliate the local, and often ignoble, animosities by which majorities themselves are divided.

The above summary, although very imperfect, is sufficient to indicate the principal motives which, both in this country and in England, have suggested to eminent statesmen the necessity of devising, if possible, some modification of the Electoral system, calculated to secure a more adequate representation to the interests of minorities.

Of all men in this country M. Andrae was, in many respects, the

most fitted by antecedent experience and natural qualifications to succeed in the difficult task which he thus spontaneously attempted.

Mr. Andrae is a man of original and speculative intellect, a keen investigator, a bold thinker, admitted by all his countrymen to be the first mathematician in Denmark, and, from his position as Minister of Finance, experienced in the art of bringing the fundamental principles of abstract calculation practically to bear upon complicated facts.

The scope of his experiment, however, was painfully limited by conditions over which he had no control; and the law of which he is the sole author forms only the incidental part of an institution shaped rather by the force of uncongenial circumstances than by the deliberate option of the ostensible founders of it.

According to the Census of 1860 the entire population of the Kingdom and Duchies amounted to 2,604,024, so that it was only for the direct election of 30 members out of a population of upwards of 2,000,000 to an Assembly of 80 members, that the electoral system of Mr. Andrae was empowered to provide.[1] Holstein and Lauenburgh have always refused to send members to the Rigsraad. For these Duchies the Constitution of 1855 is suspended; and, therefore, 20 members must be deducted from the total of 80 nominally composing the Rigsraad, and 8 members from the 30 originally contemplated as the quota of direct representation in the Rigsraad; consequently, it is only the choice of 45 out of 60 members that is practically affected by the electoral system of Mr. Andræ.

This, no doubt, diminishes the value to be attached to the success or failure of the system as an example. It is somewhat like an experiment in a pond upon principles of navigation which, if good for anything, must be good for the ocean. Nevertheless, it is an example; and, in questions of this sort, an example of any kind is most valuable. Eight years' practical experience of the working of an electoral system devised for the realization of an important principle applicable to all representative institutions is, no matter

[1] The indirect election of members to the Rigsraad by the local legislative bodies is, however, conducted upon the principle, and in conformity with the stipulations, of Mr. Andrae's Electoral law. This should be borne in mind.

how "cabined, cribbed, confined" be the sphere of that experience, a great and noteworthy addition to the knowledge of mankind.

There are two ways in which local majorities may, if unrestrained by law, exercise their power in questions of representation, to the detriment no less of minorities than of themselves. They may do so both in the selection and in the election of candidates. They may virtually dictate the vote of the elector by indirectly circumscribing the freedom of his choice. By this means, indeed, apparent unanimity may be obtained; but the greater the unanimity the greater the mischief, if it be only a unanimous submission to "Hobson's choice—this or none:" and when this is the case, it may be truly said of the majorities themselves, "*dominationis in alios servitium suum mercedem dant*,"—"they are content to pay so great a price as their own servitude to purchase domination over others."[1] For in order to secure unanimity in the choice of the majority, it is previously necessary for the majority itself to abdicate individual action on the part of its own members. Men are more likely to admit unanimity in their passions and prejudices than in their sober judgments: and the candidate thus selected may perhaps represent only a selfish compromise between narrow interests and petty animosities. When this happens majorities, indeed, may show their power by converting a bad candidate into a worse representative, but in doing so they will have also shown that their power is incompatible with their freedom; and that may be said of them which Socrates is supposed to say to Polus in the Gorgias, when speaking of other tyrannies, "They do not do what they wish, although they do what they please."

But, on the other hand, it is undoubtedly true that all political action necessitates a compromise between opinions in matters of minor import. The absence of this compromise is anarchy. It is only when the compromise is compulsory, instead of spontaneous, that it can be called tyranny. For the foundation of all society is confidence in others. All human creeds must originate in faith of some sort, and men can do nothing without taking something on trust. In the public business of life, individual action will always be guided and controlled by collective opinion: and, practically, the opinion of the many is controlled and guided by the wisdom of the few. Every man has a right to think and choose for himself; but

[1] Cowley, "Essay on Liberty."

all men are not equally able to think and choose well, or equally disposed to think and choose at all: so that as long as there exists in the world that discreet deference to the judgment and that wholesome confidence in the character of others without which political combination is impossible, no conceivable electoral system will prevent the choice of constituencies from being greatly influenced by the bias of those local notables who, by personal capacity or social position, are fitted to guide the conduct of their neighbours. The object of Mr. Andræ's Electoral Law is, not to annihilate this controlling power, but, on the contrary, to give the amplest scope to its natural operation, by relieving it from the crippling circumscription of arbitrary conditions.

By enlarging the scope of the voter's choice, moreover, you elevate the quality of his judgment. When he is free to choose whom he will, not constrained to choose merely whom he must, it is probable that if he gives the preference to a person from his own immediate neighbourhood, the person thus preferred will be, not simply the slavish nominee of a perhaps insignificant but petulant party, but a man whom the voter regards with affectionate confidence and respect. Surely it would be unwise to extinguish (even were it possible) those kindly influences which infuse into the public life and spirit of a nation the enthusiasm of local affections, whether they be embodied in a respect for noble names and illustrious houses, or in the grateful recognition of those good deeds which not seldom associate a particular family with a particular neighbourhood. But is it not rather the local demagogues than the real local *aristoi* who would have anything to fear from the most extended competition with intelligence and virtue? In any case, if the voter, by confining his vote to a single candidate, be exposed to the risk of diminishing its value without thereby benefiting the object of his special preference, it is to be presumed that he will extend the scope of his judgment and his sympathies, and provide for those contemplated contingencies in which his countrymen elsewhere may benefit by the exercise of his franchise. In doing so he will have to look further and think more carefully. It is probable that he will select the other objects of his choice from men of eminence and distinction because those who are neither eminent nor distinguished cannot then be arbitrarily thrust upon his notice. The voter who does this will

elevate his own character and class; and if the whole class of voters do this, the whole class of candidates will be improved.

In the next place, it is no doubt intended by the clauses above mentioned to withdraw from the voter every reasonable excuse for disregarding and neglecting the duty of exercising his franchise, as well as to provide for him every reasonable inducement to perform that duty with the most serious reflection, and to the fullest possible extent.

Two other results are involved in the arrangements of this law as concerning the question of personal canvass. It is undoubtedly to be desired that every facility should exist for free personal intercourse and interchange of opinion between candidates and voters, and it is not to be desired that the candidate should be to the voter not a man, but merely a name, an abstraction. Whether, however, it be not possible to provide for this reasonable and necessary intercourse without exposing it to the possible degradation of degenerating into one of barter and beggary, is a question worthy of consideration.

Whether, however, the personal canvass be a good thing or a bad thing, according to this Electoral Law of Mr. Andrae it is quite out of the question.

And with the personal canvass also disappears a very influential personage intimately connected therewith, viz., the electioneering agent. How far the complete effacement from the electoral *dramatis personæ* of this important but costly character is a result to be admired or condemned, involves a question which will be best answered by those who have had personal experience of the part he plays, both in connection with the pockets of candidates and the morals of voters.

Finally, it appears to be the intention of this law to increase the sense of individual responsibility in matters of public trust; to place the conscience of each voter in his own keeping, and to take it out of the hands of those careless investors of other men's moral capital who flourish in all large communities, and who appear to consider themselves a sort of joint-stock company for conscience, with limited liability. Moreover, it may be said that this law is, in its tendency, a civilizing law,—for civilization is the parent of variety in opinions; and it is the intention of this law to provide, not only the amplest expression for all varieties of opinion, but also to utilize

to the utmost all manner of ways and means provided by the kindly providence of civilization for the formation of these wholesome varieties.

That these intentions are wise and good will hardly be denied. The only practical questions that remain are, first, whether these intentions are fully realized by the mechanical operation of the law? and, secondly, whether (if so) their realization is accompanied by any incidental injury to the salutary interests of the virtual majority?

I have no experience which would justify me in offering a personal opinion upon these issues. I shall endeavour to report with fidelity and impartiality the opinions which (so far as I have yet been able to ascertain them) appear to be entertained in Denmark in regard to the questions thus raised.

I approach this part of the subject with extreme hesitation. Only a few months have elapsed since I came to this country; the time which I have been able to devote to the consideration of the electoral system is still shorter. I am convinced that, in order to form an accurate estimate of the practical results of this system, it would be necessary to visit the various constituencies which are affected by its operation, to compare by personal observation the various classes of the voting population, and to ascertain by personal intercourse their general character and sentiments. But it would be idle to attempt such a task without a knowledge of the language much greater than can be acquired in the course of a few months; and I must therefore premise that the remarks I am about to offer are the results of inquiries which, however carefully made, are much too limited to be satisfactory.

In speaking of public questions, all men are disposed to represent their own opinion as the opinion of the public. It is not easy for a bystander, unacquainted with the crowd, to discriminate between public opinion and public prejudice. Whatever is most flimsy and superficial in opinion floats lightly on the surface of the national mind, and readily reveals itself to casual notice; the more weighty elements lie deep, and are not so quickly detected.

An astute student of human character has said that "in the capacities of mankind there are three degrees: one man understands things by means of his own natural endowments; another understands things when they are explained to him; and a third

can neither understand them of himself, nor when they are explained to him by others. The first are rare and excellent, the second have their merit, but the last are wholly worthless." [1]

Mr. Andrae may, I think, congratulate himself that many of the most vociferous opponents to his Excellency's electoral system belong to this last-mentioned category; whose opinions, since there would appear to be good authority for regarding them as utterly worthless, need not occupy any portion of this Report. Elaborate objections, however, have been made to the law by persons whose natural acuteness entitles their opinion to be gravely considered. Before adverting to these objections in detail I must avow that the impression I have derived from the general result of my inquiries is, that the law is not popular in this country, and that as yet it has taken no root in the national character.

To sum up the result of the foregoing inquiry into the mechanical operation of the Electoral Law of 1855, it appears, firstly, that the most ingenious and elaborately devised combination of objections to the electoral mechanism of Mr. Andrae's system is fixed upon two postulates, the one political, the other mathematical, of which the first is preposterous, and the second impossible. Secondly, that the utmost ingenuity of artifice is only able to erect upon a basis, thus enormous in its unsubstantiality, an hypothesis minute in its material import, of injustice to a single candidate out of three, in a single district out of all. Can as much be affirmed of any other existing electoral system?

In this Report, which has already, I fear, greatly exceeded its legitimate limits, no more need be said as to the practicability of the law, and the accuracy of its mechanical operation.

Other and perhaps yet more important considerations, however, are involved in the questions of what are its political results in this country, and how far it may be applicable to other European communities.

These considerations are hardly within the province to which the present remarks must be confined; for they raise an infinite number of collateral and secondary inquiries, which cannot be followed out without bringing the inquirer into a disquisition upon the necessity and value of government by party, as well as upon the nature of the various answers which may be returned to the paramount prac-

[1] "The Prince," cap. xxii.

tical question of, "How is the Queen's government to be carried on?"

I may mention, however, that, on lately referring to some of these topics in conversation with a Danish gentleman well acquainted with the political life of this country, I was assured that, in the discussion and settlement of great public questions by the Supreme Council of the realm, no disinclination is found to exist upon the part of representative minorities to combine and concur in the formation of a judicial majority for the decision of what is expedient.

I may also mention that I have been assured by Mr. Andrae that, in his opinion, the general standard of representative character supplied by this law is the best and highest in the country; and that although he does not consider that a sufficient time has yet elapsed whereby to test the effects of the law upon the constituencies themselves, he is nevertheless of opinion that, under its operation, the character of the voter as a class has improved and is improving. I have every reason to believe, moreover, that bribery is almost unknown to the constituencies for the Rigsraad. It appears to me, however, that the permission contained in clause 18 of Mr. Andrae's law, and which equally appears in Mr. Hare's scheme—to fill up the voting-paper in private—might, under very conceivable circumstances, facilitate intimidation.

A full and complete investigation into the character and operation of this law is a task which I should rejoice to see assumed by some person of known impartiality, capacity, and experience. For, whatever may be the character or the consequence of the law, I venture to think that its existence is one of the most remarkable events in the history of representative institutions.

There is a saying of Lord Coke's, repeated by Junius in reference to a matter of some importance in our parliamentary history, that "discretion, taken as it ought to be, is *discernere per legem quid sit justum.*"

I shall not presume, sir, to strain the meaning of these words to fit a partial application. But some excuse for the great, and I fear undue, length to which this Report has now extended may, I hope, be found in the wish which I have felt to bring into notice those peculiar features of the Danish Electoral Law of 1855, the consideration of which may, perhaps, enable others more competent than

myself to weigh the justice of the theory by the practice of the law, *et discernere per legem quid sit justum.*

The Report from which the preceding extracts are taken was written in 1863. As already mentioned, when the constitution was remodelled in 1867, the Andrae law was applied to the "Landsthing," and is still in operation. We can here therefore point to the experience of over a quarter of a century.

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